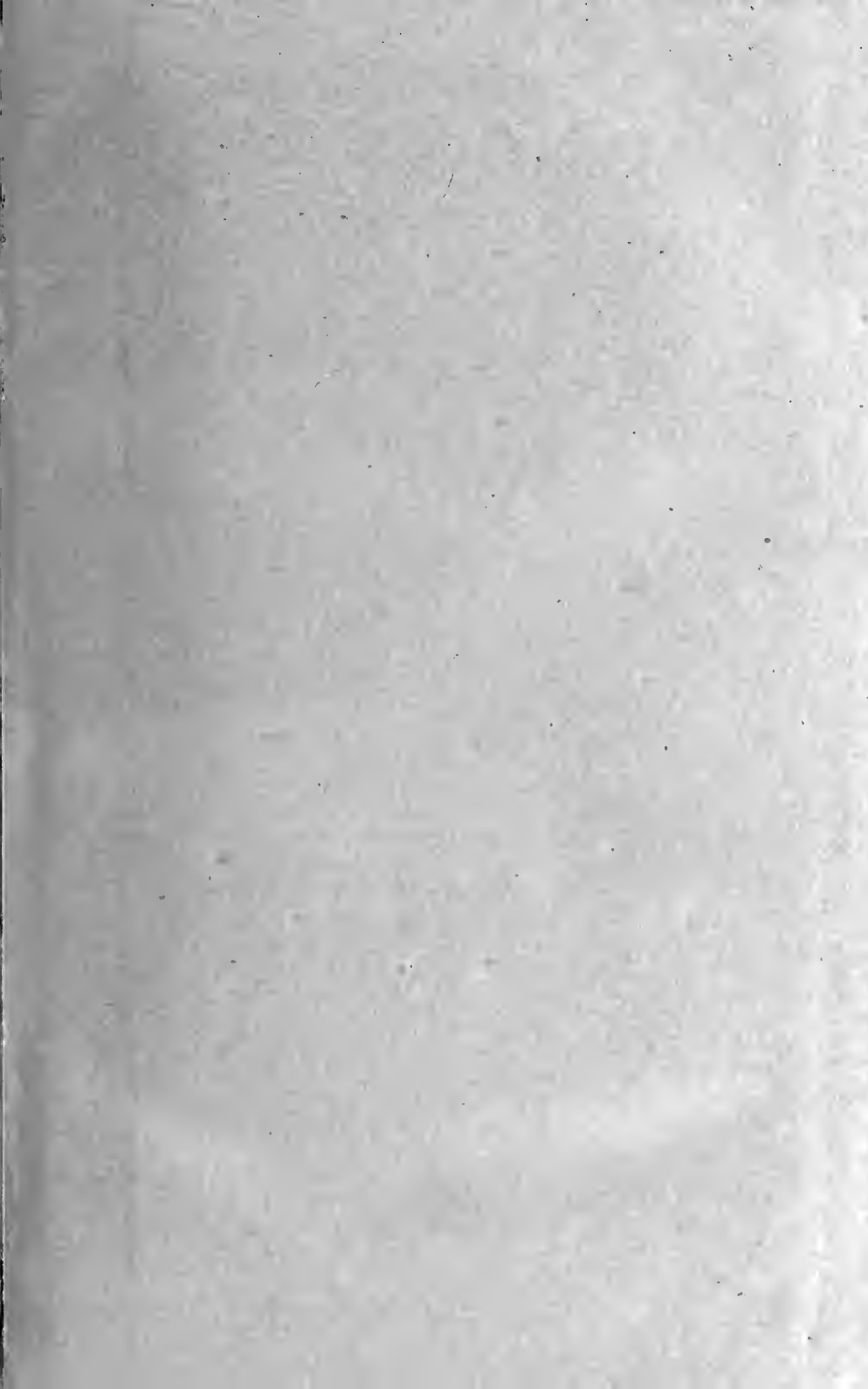


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FROM THE REIGN OF CHARLES THE SECOND TO THE PRESENT TIMES.

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NOW FIRST TRANSLATED FROM THE LATIN,

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WITH A BRIEF ACCOUNT OF THE
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NEW EDITION,

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AN

ECCLESIASTICAL HISTORY

OF

GREAT BRITAIN.

PART II.—BOOK IX.

UPON the death of king James, his only son Charles was, CHARLES
I.
733. according to custom, proclaimed at Theobalds, in London, and elsewhere. The first thing we meet with in reference to the Church, is the king's regulation of the chaplains in ordinary. A. D. 1625.
March 27. Their number was retrenched, and their time of officiating ascertained. And to make the regulation more perfect, Laud, bishop of St. David's, was commanded to bring in a list of the most eminent divines; and to distinguish their persuasions by the two capitals O. and P., the first standing for Orthodox, and the other for Puritan.

And now the parliament and convocation being shortly to meet, Laud was directed by his majesty to consult the learned bishop Andrews upon the juncture: and to take his advice what was fit to be debated upon the subject of religion, especially with reference to the five points settled at Dort.

The marriage agreed in the late reign between his present majesty and the French king's sister, was solemnized by proxy at Paris, May the 1st, old style. And on the seventh of this month, king James was interred at Westminster in Henry VII.'s chapel. The king receiving advice of his queen's being embarked at Boulogne, met her at Dover, and conveyed her to London. But here Fuller mistakes in relating a chapel was prepared for her in Somerset-house, with a convent of Capuchin friars: for, first, the chapel then ready was not prepared

*The queen
arrives at
Dover, and
is conveyed
by the king
to London.*

ABBOT,
Abp. Cant.

*A mistake
in Fuller
rectified.*

for her, but the lady Infanta; it was built in the king's house at St. James's, when the treaty with Spain was likely to succeed. Secondly, the articles of marriage make no mention of the Capuchin friars, as Fuller reports. The priests who came over with the queen were, by agreement, to be all Oratorians, this order being likely to prove more inoffensive to the English, as having given them no provocation. And to lay this matter together, though happening at some distance of time, these Oratorians being sent back to France in the year 1626, the Capuchins under father Joseph supplied their place. This however did not happen till after the rupture with France, the expedition at the isle of Rhé, and the loss of Rochelle. But some time after the peace between England and France, the queen prevailed the Capuchins might have leave to come over: upon this some lodgings were fitted for them in Somerset-house, and a chapel built there for her majesty's devotions.

Heylin,
Examen
Hist. p. 199.
*The parliament meets
at Westminster.*

*Montague
summoned
to appear
before the
commons.*
734.

On the 18th of June the parliament met at Westminster. The commons' first business was addressing the king with a list of grievances, to the most of which a satisfactory answer was returned. The lower house proceeded to concern themselves with matters of religion, and summoned Montague before them. Being brought to the bar, the speaker told him it was the pleasure of the house the censure of his books should be postponed some time; that in the interim he should be committed to the custody of the serjeant; and afterwards they obliged him to give the security of 2000*l.* for his appearance. Montague being the king's chaplain, his majesty was displeased with the proceedings of the commons, and looked on it as an unprecedented stretch of jurisdiction: and now Laud being apprehensive the Reformation might suffer if controversies in religion were determined in the last instance by the laity, applied to the duke of Buckingham to engage his majesty in favour of Montague. Neither was this divine wanting to do his own part in his defence: to this purpose he wrote to the duke of Buckingham. He entreats this great minister to report to his majesty the hardships put upon him by the commons. That they had no authority to prosecute his person or censure his book: that what he had written was published by the late king's order, and authorized by his present majesty. After this he makes a bold declaration, "that in case he did not give a solid and full answer to every article

objected from his book, he would willingly be given up to the pleasure of his enemies, and not importune his majesty or his grace for any protection.”

CHARLES
I.

Cabbala,
p. 110.

This application was seconded some few days after by a letter of three bishops to the duke of Buckingham; the words are these :—

“ MAY IT PLEASE YOUR GRACE,

“ We are bold to be suitors to you, in the behalf of the Church of England, and a poor member of it, Mr. Montague, at this time not a little distressed. We are not strangers to his person, but it is the cause which we are bound to be tender of.

Three
bishops write
in his behalf
to the duke
of Bucking-
ham.

“ The cause we conceive (under correction of better judgment) concerns the Church of England merely; for that Church, when it was reformed from the superstitious opinions broached or maintained by the Church of Rome, refused the apparent and dangerous errors, and would not be too busy with every particular school point. The cause why she held this moderation was, because she could not be able to preserve any unity amongst Christians, if men were forced to subscribe to curious particulars disputed in schools.

“ Now, may it please your grace, the opinions which at this time trouble many men in the late book of Mr. Montague, are some of them such as are expressly the resolved doctrine of the Church of England, and those he is bound to maintain: some of them such as are fit only for schools, and to be left at more liberty for learned men to abound in their own sense, so they keep themselves peaceable and distract not the Church. And therefore to make any man subscribe to school opinions may justly seem hard in the Church of Christ, and was one great fault of the council of Trent. And to affright them from those opinions in which they have (as they are bound) subscribed to the Church, as it is worse in itself, so it may be the mother of greater danger¹.

“ May it please your grace farther to consider, that when the clergy submitted themselves, in the time of Henry VIII., the submission was so, that if any difference, doctrinal or other, fell in the Church, the king and the bishops were to be judges of it in a national synod or convocation, the king first giving leave under his broad seal to handle the points in difference.

¹ Vide Blackburne's Confessional.

ABBOT,
Abp. Cant.

“ But the Church never submitted to any other judge, neither can she, though she would: and we humbly desire your grace to consider, and then to move his most gracious majesty (if you shall think fit), what dangerous consequences may follow upon it.

“ For, first, if any other judge be allowed in matter of doctrine, we shall depart from the ordinance of Christ, and the continual course and practice of the Church.

“ 2. Secondly, If the Church be once brought down beneath herself, we cannot but fear what may be next struck at.

“ 3. Thirdly, It will some way touch the honour of his majesty's dear father, and our most dread sovereign of glorious and ever blessed memory, king James, who saw and approved all the opinions in this book; and he in his rare wisdom and judgment would never have allowed them if they had crossed with truth and the Church of England.

“ 4. Fourthly, We must be bold to say, that we cannot conceive what use there can be of civil government in the commonwealth, or of preaching and external ministry in the Church, if such fatal opinions as some which are opposite and contrary to these delivered by Mr. Montague, are, and shall be, publicly taught and maintained.

“ 5. Fifthly, We are certain that all or most of the contrary opinions were treated of at Lambeth, and ready to be published; but then, queen Elizabeth, of famous memory, upon notice given, how little they agreed with the practice of piety and obedience to all government, caused them to be suppressed, and so they have continued ever since, till of late some of them have received countenance at the synod of Dort. Now this was a synod of that nation, and can be of no authority in any other national church, till it be received there by public authority. And our hope is, that the Church of England will be well advised, and more than once over, before she admit a foreign synod, especially of such a church as condemneth her discipline and manner of government, to say no more.

“ And farther, we are bold to commend to your grace's wisdom this one particular. His majesty (as we have been informed) hath already taken this business into his own care, and most worthily referred it in a right course to Church consideration. And we well hoped, that without further trouble

to the state, or breach of unity in the Church, it might so have been well and orderly composed, as we still pray it may. These things considered, we have little to say for Mr. Montague's person, only thus much we know; he is a very good scholar, and a right honest man: a man every way able to do God, his majesty, and the Church of England great service. We fear he may receive great discouragement, and, which is far worse, we have some cause to doubt this may breed a great backwardness in able men to write in the defence of the Church of England against either home or foreign adversaries, if they shall see him sink in fortunes, reputation, or health, upon his book's occasion.

"And this we most humbly submit to your grace's judgment, and care of the Church's peace and welfare. So recommending your grace to the protection of Almighty God,

735.

Cabbala,
p. 105.

"We shall ever rest at your grace's service,

"Jo. ROFFENS.

Jo. OXON.

"2d Aug. 1625."

GUIL. MENEVEN.

How far this letter engaged the duke of Buckingham, or what regard it met with from the commons, is uncertain: however, Mr. Montague had no more trouble given him this session, which was but short: for the plague being in London, the parliament was adjourned to Oxford, and dissolved in August following. The reason which disposed the king to part with them, was, because he found the commons began to reflect upon some of the ministry, and were resolved against granting supplies till their grievances were first redressed.

August 12,
A. D. 1625.
The parliament dissolved.

The lord keeper Williams, who was now in his declension at court, endeavoured to recover himself, but without effect. He had disoblged the duke of Buckingham at the parliament at Oxford. For when this nobleman expostulated with him for breach of friendship, he frankly replied, he was engaged with William earl of Pembroke, to endeavour a redress of grievances; and that he was resolved to stand upon his own legs: "If that is your resolution," says the duke, "take care you stand firm;" and so they parted. Soon after this clash, the bishop was discharged attending at court; and on the 30th of October following the broad seal was given to sir Thomas Coventry.

The broad-seal taken from the lord-keeper Williams.

Rushworth's
Collect.
p. 198.

ABBOT,
Abp. Cant.

Dec. 16.
A.D. 1625.

Bib. Regia.

Cyprian.
Anglic.
p. 141.
*The king's
coronation.*

*An altera-
tion in some
of the
prayers.*

The king, to satisfy the late remonstrance in parliament against the growth of popery, wrote to the two archbishops to perform their part for discovering and apprehension of Jesuits, and seminary priests, requiring them to proceed against popish recusants by excommunication, and other censures of the Church: but withal, the letter takes notice of another sort of people, no less dangerous than the Papists, to the established religion: that to prevent mischief from this quarter, the two archbishops are commanded to send directions to the rest of the clergy. That all of them might be particularly careful in their respective stations, for the suppressing those disaffected to the national Church: that none of these religious malcontents might have any countenance or shelter from any ecclesiastics in authority: but that all proper endeavours might be used to pull off the fucus, and expose the false reasoning of those, who pretend to refine upon the Church establishment: and that his majesty could have no good opinion of those prelates, who either encouraged their singularities, or so much as connived at them.

Upon the receiving the king's letter, the archbishop of Canterbury transmitted copies to his respective suffragans. But here the king's order was partially executed by Abbot; the Roman Catholics were struck at, and the Puritans overlooked.

The king, having summoned another parliament to meet on the 6th of February, resolved to proceed to his coronation before the session: the purification of the blessed virgin was fixed on for this solemnity. And for the better adjusting every part of the ceremony to the service and orders of the Church of England, the king issued a commission to the archbishop of Canterbury, and some other bishops, Laud being one of the number, to settle the form. This committee having compared the ceremonial used in the late reign with the public rituals, it was agreed to make some alterations and additions in the ceremony, and the prayers. For instance, the unction was to be made in the figure of a cross, which was accordingly done by archbishop Abbot. The supplemental part in the form consisted chiefly in a prayer for the king, and a request to him, in behalf of the clergy: the first sounds extremely high for the regale; and might serve very well at the consecration of a patriarch. It stands thus:—

“Let him obtain favour for the people like Aaron in the tabernacle, Elisha in the waters, Zacharias in the temple; ^{CHARLES I.} give him Peter’s key of discipline, and Paul’s doctrine.”

In the request made to him, these prelates were by some thought to remember their character too far, and take too much upon them: it follows the unction in these words:

“Stand, and hold fast from henceforth the place to which you have been heir by the succession of your forefathers, being now delivered to you by the authority of Almighty God, and by the hands of us, and all the bishops, and servants of God: and as you see the clergy to come nearer to the altar than others, so remember that in place convenient you give them greater honour; that the mediator of God and man may establish you in the kingly throne, to be the mediator between the clergy and the laity, that you may reign for ever with Jesus Christ, the King of kings, and Lord of lords, who with the Father and the Holy Ghost, liveth and reigneth for ever. Amen.”

And here the oath taken by the king being part of the solemnity, it may not be improper to lay it before the reader.

“Sir (says the archbishop), will you grant, keep, and by your oath confirm to your people of England, all laws and customs to them granted by the kings of England, your lawful and religious predecessors; and, namely, the laws, customs, and franchises granted to the clergy, by the glorious king St. Edward your predecessor, according to the laws of God, the true profession of the gospel established in this kingdom, and agreeable to the prerogative of the kings thereof, and the ancient customs of this land?” *The coronation oath.*

The king answers, “I grant and promise to keep them.”

Archbishop. “Sir, will you keep peace and godly agreement entirely (according to your power) both to God, the holy Church, the clergy, and the people?”

Rex. “I will keep it.”

Archbishop. “Sir, will you, (to your power) cause justice, law, and discretion in mercy and truth, to be executed in all your judgments?”

Rex. “I will.”

Archbishop. “Sir, will you grant to hold, and grant to keep, the laws and rightful customs which the commonalty of this

ABBOT, your kingdom have? And will you defend and uphold them to the honour of God, so much as in you lieth?"

Rex. "I grant and promise so to do."

Then one of the bishops reads this admonition to the king before the people with a loud voice. "Our lord and king, we beseech you to pardon, and to grant, and to preserve unto us, and the churches committed to our charge, all canonical privileges, and due law and justice; and that you would protect and defend us, as every good king in his kingdom ought to be a protector and defender of the bishops, and the churches under their government?"

736. The king answereth, "With a willing and devout heart I promise and grant my pardon, and that I will preserve and maintain to you, and the churches committed to your charge, all canonical privileges, and due law and justice; and that I will be your protector and defender to my power, by the assistance of God, as every good king ought in his kingdom, in right to protect and defend the bishops and churches under their government."

The king ariseth, and is led to the communion-table, where he makes a solemn oath, in sight of all the people, to observe the premises; and, laying his hand upon the book, saith, "The things which I have before promised, I shall perform and keep, so help me God, and the contents of this book."

Husband's
Collections.
*The oath not
altered by
bishop Laud
or the king.*

Idem.

I have the rather transcribed this oath, because both the king and Laud were afterwards charged with altering it to the disadvantage of the subject. But this calumny was effectually silenced by his majesty's referring the objectors to the records in the exchequer; where they might see his coronation oath was the same with that which had been customarily taken by his predecessors¹.

In the other solemnities of the coronation, the abbots formerly, and after them the deans of Westminster, had a considerable share. They had the custody of the old regalia,—that is, the crown, the sword, the sceptre, the spurs, &c., of king Edward the Confessor. These royal curiosities are never made use of excepting at a king's coronation, or his going to parliament. Williams, the late lord-keeper, was now dean;

¹ This coronation service, illustrates the fact frequently noticed in the course of this work, that the king combines in his own person the ecclesiastical with the laical characteristics.

but, being under the king's disfavour, had orders not to appear at this solemnity, but to depute one of the prebendaries to officiate in his place. This order put him somewhat to a stand. He was unwilling to nominate Laud, then one of the prebendaries, because he looked on him as his rival at court ; but then, to have overlooked a bishop, and named another of a lower rank, would have been too plain a discovery of disaffection. He therefore prudently sent the king the names and distinctions of all the prebendaries, leaving the choice to his majesty, who pitched upon Laud. Laud being thus nominated, did the dean's part in preparing for that pompous appearance. And finding the old crucifix among the regalia, he placed it upon the altar, according to ancient usage.

Laud performs the dean of Westminster's part at the coronation.

The duke of Buckingham, keeping on his misunderstanding with the bishop of Lincoln, was a weight upon that prelate's fortune, and kept him from emerging at court. He seems to have lain under a particular hardship at this time ; for he had not received his writ of summons to sit in parliament. This, though with submission to his majesty's pleasure, he represented as unprecedented usage ; and that this privilege was not denied to any prisoners, or condemned peers in his father's reign. He therefore entreated the king for leave to make his proxy, if not permitted to attend in person. He likewise begged the king to soften the duke, and bring him off his resentment ; who, though he had never received any real provocation from him, was not to be reconciled by any thing the bishop could do, or suffer. And lastly, he humbly desires the king's name might not be used to his disadvantage, and that his reputation might not suffer by his absence from the parliament. He concludes with strong protestations of duty and affection to the king ; stands boldly upon his innocence ; and solicits for no protection against the charge of any subject whatever.

And now the second parliament being met, a commission for religion was settled, and Montague's "Appeal to Cæsar" was again debated. This book being referred by the commons to the committee abovementioned, Mr. Pym made his report of several erroneous opinions extracted from it ; upon which the house made this resolve : "That Mr. Montague endeavoured to reconcile England to Rome, and alienate the king's affection from his well-affected subjects." By the way, this is the

A committee of religion first appointed by the commons.

ABBOT,
Abp. Cant.

first time we hear of a committee of religion in the house of Commons. The articles exhibited against Montague were drawn up in the form following.

*Articles
exhibited
against
Montague.*

“That he, the said Richard Montague, in or about the twenty-first year of the reign of our late sovereign king James of famous memory, hath caused to be printed, and in his name to be published, one book, called, ‘An Answer to the late Gag of Protestants.’ And in or about anno twenty-two of the same king, he caused to be printed and published one other book, entitled, ‘A Treatise of the Invocation of Saints.’ And likewise in the first year of his majesty’s reign, that now is, he procured to be printed, and in his name to be published, another book, entitled, ‘An Appeal to Cæsar.’ In every of which books he hath maintained and confirmed some doctrine contrary or repugnant to the articles agreed by the archbishops and bishops of both provinces, and the whole clergy, holden in the convocation at London A.D. 1562, according to the computation of the Church of England, ‘for avoiding diversity of opinions, and for establishing consent touching true religion;’ all which appears in the places hereafter mentioned, and in divers other places and passages of the same books; and by his so doing hath broken the laws and statutes of this realm in that case provided, and very much disturbed both the peace of Church and commonwealth.

“I. Whereas, in the five-and-thirtieth article of the articles aforementioned, it is declared, that the second book of homilies doth contain a godly and wholesome doctrine; in the sixteenth homily of which book it is determined, that the Church of Rome, as it is at present, and hath been for the space of nine hundred years and odd, is so far wide from the nature of a true Church, that nothing can be more. He, the said Richard Montague, in several places in the said books, called, ‘The Answer to the Gag,’ and in his other book, called, ‘The Appeal,’ doth advisedly maintain and affirm, that the Church of Rome is and ever was a true Church, since it was a Church.

“II. Whereas, in the same homily, it is likewise declared, that the Church of Rome is not built upon the foundation of the prophets and apostles. And in the eight-and-twentieth article of the said articles, that transubstantiation overthroweth

the nature of a sacrament; and in the five-and-twentieth of the said articles, that five other reputed sacraments of the Church of Rome are not to be accounted sacraments. Yet, contrary and repugnant hereunto, he, the said Richard Montague, doth maintain and affirm in his book aforesaid, called, 'The Answer to the Gag,' that the Church of Rome hath ever remained firm upon the same foundation of sacraments and doctrine instituted by God.

" III. In the nineteenth of the same articles it is farther determined, that the Church of Rome hath erred, not only in their living, and matters of ceremony, but also in matters of faith. He, the said Richard Montague, speaking of those points which belong to faith and good manners, hope and charity, doth in the said book, called, 'The Gag,' affirm and maintain, that none of these are controverted in their points, meaning the Protestants and Papists; and notwithstanding that in the one-and-thirtieth article it is resolved, that the sacrifice of masses, in which, as it is commonly said, the priest doth offer Christ for the quick and the dead, to have remission of pain and guilt too, is a blasphemous fable, and dangerous deceit; this being one of the points controverted between the Church of England and the Church of Rome;—the said Richard Montague, in his book called 'The Gag,' doth affirm, and maintain, that the controverted points are of a lesser and inferior nature, of which a man may be ignorant, without any danger of his soul at all; a man may resolve to oppose this or that without peril of perishing for ever.

737.

" IV. Whereas in the second homily, entituled, 'Against Peril of Idolatry,' contained in the aforesaid book of homilies, and approved by the five-and-thirtieth article aforementioned, it is declared, that images teach no good lesson, neither of God nor godliness; but all error and wickedness: he, the said Richard Montague, in the book of 'Gag,' aforesaid, doth affirm and maintain, that images may be used for the instruction of the ignorant and excitation of devotion.

" V. That in the same homily, it is plainly expressed, that the attributing the defence of certain countries to saints, is a spoiling God of his honour, and that such saints are but *diutelaes* of the Gentiles, or idolaters. The said Richard Montague hath, notwithstanding, in his said book, entituled, 'A Treatise concerning the Invocation of Saints,' affirmed and

ABBOT,
Abp. Cant.

maintained, that saints have not only a memory, but a more peculiar charge of their friends; and that it may be admitted, that some saints have a peculiar patronage, custody, protection, and power, as angels also have, over certain persons and countries, by special deputation; and that it is no impiety so to believe: whereas in the seventeenth of the said articles, it is resolved, that God hath certainly decreed by his counsel, secret to us, to deliver from curse and damnation, those whom he hath chosen in Christ out of mankind, and to bring them by Christ to everlasting salvation; wherefore they which be endued with so excellent a benefit of God, and called according to God's purpose, working in due season, they through the grace obey the calling, they be justified freely, walk religiously in good works, and at length, by God's mercy, attain to everlasting felicity. He, the said Richard Montague, in the said book, called, 'The Appeal,' doth maintain and affirm, that men justified may fall away, and depart from the state which once they had; they may arise again, and become new men possibly, but not certainly, nor necessarily. And the better to countenance this his opinion, he hath in the same book wilfully added, falsified, and changed divers words in the sixteenth of the articles beforementioned, and divers other words, both in the Book of Homilies and in the Book of Common Prayer, and so misrecited and changed, the said places he doth allege in the said book, called 'The Appeal,' endeavouring thereby to lay a most wicked and malicious scandal upon the Church of England, as if she did herein differ from the reformed Churches beyond the seas; and did consent to those pernicious errors, which are commonly called Arminianism, and which the late famous queen Elizabeth, and king James, of happy memory, did so piously and diligently labour to suppress¹.

"That the said Richard Montague, contrary to his duty and allegiance, endeavoured to raise great factions and divisions in this commonwealth, by casting the odious and scandalous name of Puritans upon such his majesty's loving subjects as conform themselves to the doctrines and ceremonies of the Church of England; under that name laying upon them divers false and malicious imputations, so to bring them into jealousy and dis-

¹ Montague had moral courage enough, to defend what he conceived to be Catholic orthodoxy, against the favourite prejudices and conceit of sects and parties, by whom the truth was rent and torn to fragments.

pleasure with his most excellent majesty, and into reproach and ignominy with the rest of the people, to the great danger of sedition and disturbance in the state, if it be not timely prevented. CHARLES
I.

“That the scope and end of the said Richard Montague, in the books beforementioned, is to give encouragement to popery, and to withdraw his majesty’s subjects from true religion established, to the Roman superstition, and consequently to be reconciled to the see of Rome; all which he laboureth, by subtle and cunning ways, whereby God’s true religion hath been much scandalized, those mischiefs introduced, which the wisdom of many laws hath endeavoured to prevent, the devices and practices of his majesty’s enemies have been furthered and advanced, to the great peril and hazard of our sovereign lord the king, and of all his dominions, and loving subjects.

“That the said Richard Montague hath inserted into the book, called ‘The Appeal,’ divers passages dishonourable to the late king, his majesty’s father, of famous memory; full of bitterness, railing, and injurious speeches to other persons, disgraceful and contemptible to many worthy divines, both of this kingdom, and other reformed Churches beyond the seas; impious and profane in scoffing at preaching, meditating and conferring, pulpits, lectures, Bible, and all show of religion; all which do aggravate his former offences, having proceeded from malicious and envenomed heat against the peace of the Church, and the sincerity of the reformed religion publicly professed, and by law established in this kingdom. All which offences being to the dishonour of God, and of most mischievous effect and consequence against the good of this Church and commonwealth of England, and of other his majesty’s realms and dominions, the Commons assembled in parliament, do hereby pray that the said Richard Montague may be punished according to his demerits, in such exemplary manner, as may deter others from attempting so presumptuously to disturb the peace of the Church and State, and that the book aforesaid may be suppressed and burnt.”

Rushworth’s
Collections,
vol. 1.
p. 209.

It does not appear this impeachment was laid before the house of Lords, in what manner the Commons intended to prosecute their charge, or how far they proceeded. Rushworth having made a search into this matter, could not find that Montague was brought to his defence, or that he returned any

ABBOT,
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answer to the articles: from whence we may conclude the process was dropped by the Commons. Whether their impeachment of the duke of Buckingham might draw them from business of lower consideration, or their distrust of making the charge good, or the sudden dissolution of parliament, was the occasion of this issue, is somewhat uncertain.

*Exceptions
taken at the
bishop of
Gloucester's
sermon
before the
king.
April 12,
A. D. 1626.*

Before the ending of parliament, the bishop of Gloucester preaching before his majesty, asserted the real presence in such strong language, that he was suspected of going to an excess, and coming too near the verge of popery. The discourse made a great noise, and gave disgust both in town and country. The convocation examined the exceptionable passages, but came to no decision. The king, being willing to satisfy himself and the parliament, ordered archbishop Abbot; Andrews, bishop of Winchester; and Laud, bishop of St. David's, to make a thorough inquiry into the bishop's discourse, and report their opinion. They met accordingly, and after having perused the sermon, and argued upon the meaning of those sentences which gave offence, they returned the king this answer: "That some things in that sermon had been spoken less warily, but nothing falsely: that nothing had been innovated by him in the doctrine of the Church of England: but, however, they thought very fit that Goodman should be appointed to preach again before his majesty, for the better explaining his meaning, and showing how, and in what particulars, he had been mistaken by his auditors." Goodman preaching accordingly before the king, had no farther trouble.

Cyprian.
Anglic.
Archbishop
Laud's
Diary.
*Montague's
business not
moved in
convocation,
and why.*

As for Montague's business, who had been charged with deserting towards Popery and Arminianism, by the Commons of both parliaments, the reader may possibly be somewhat at a loss why the convocation took no cognizance of this matter. For the articles exhibited were points of religion, and by consequence proper to the decision of the clergy. Besides, the king was plainly inclined to give the convocation their just liberty, as appears by the letter of the three bishops above-mentioned, to the duke of Buckingham. Here they acquaint the duke, "that his majesty had taken that business into his own care, and most worthily referred it in a right course to Church consideration." But then, we are to remember, that Laud had been lately sent by the duke of Buckingham to consult Andrews, about what was thought fit to be proposed in

the convocation; and whether it was seasonable to revive the Quinquarticular controversy. Now by the issue we may collect, Andrews did not think it proper to refresh those disputes at present. Those of Montague's profession, it is likely, did not think it safe to push the matter to a crisis: they knew the archbishop, and many of the bishops and clergy, were rather of the Calvinian side; and therefore it was more prudential to let the cause sleep, than run the hazard of a debate in convocation.

But though the convocation seemed to overlook, or stand neuter in the contest, Montague was attacked in print by Carleton, bishop of Chichester; Sutcliffe, dean of Exeter; by Yates, Rouse, &c. And thus the clashing was kept on, and the breach grew rather wider. To accommodate matters, a conference had lately been held in York-house, the duke of Puckingham, and some other temporal lords, being present. The managers were Buckeridge, bishop of Rochester, and Dr. White, dean of Carlisle, on the one side; and Morton, bishop of Coventry, and Dr. Preston, preacher at Lincoln's-inn, on the other. They touched upon the five points, but the question argued most at length was, "Whether it was possible for one elected to fall from grace." The advantage of the dispute was given to either side, according to the variety of judgment or inclination in the audience. There was soon after a second conference in the same place, and before the same temporal lords, of which, Robert, earl of Warwick, and William, earl of Pembroke, were two. The divines were likewise the same, excepting that Montague appeared in bishop Buckeridge's room. As to the event, it was not more successful than the former; they came to no accommodation, nor made any converts of each other.

CHARLES
I.

Two conferences upon the five points.
Feb. 11, 1626.

Fuller's Church Hist. book 11. Archbishop Laud's Diary. *The king's proclamation against the disputing the controversy.*

His majesty, to prevent the controversy's growing warmer, and breaking the people into parties, by the advice of the bishops, published a proclamation to keep both sides quiet. In this state-paper the king declares "his utter dislike of all those who, to show their parts, to please their humour, or play their revenge, shall be so hardy as to propagate any new opinions differing from the orthodoxal belief of the Church of England; that he is fully resolved never to admit any innovation in the doctrine or discipline of the Church. And as he shall always be forward to encourage his religious and well-

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affected subjects, so he is resolved not to forbear the punishing those who, out of sinister regards, shall presume to embroil either Church or State. His majesty therefore commands all his subjects (and more especially the clergy), both in England and Ireland, that from henceforth they manage themselves with such discretion and conscience, that neither by writing, preaching, printing, conferences, or otherwise, they raise any doubts, or publish any singularities concerning religion; but that upon arguments of this nature they keep themselves close to the doctrine and discipline happily established by authority."

From hence, his majesty proceeds to charge "all archbishops and bishops, all counsellors of State, judges, and ministers of justice, to correct and suppress those mutinous spirits that shall venture to break through this rule of sobriety and obedience to his majesty, and forget the submission they owe to the constitutions of the Church and the laws of the realm." The proclamation concludes, "That in case of misbehaviour, his majesty will proceed against the offenders with all the severity their crimes should deserve."

Bib. Regia.
Cyprian.
Anglic.

The articles of the commons against Montague encouraged the Calvinians to draw out their force, and set upon him. Besides those already mentioned, Gode, Featly, Ward, Wooton, Pryn, and Burton, furnished pamphlets upon the argument. Laud, and some bishops on the other side, supported by his majesty's proclamation, endeavoured to suppress those books, and stifle the controversy. In short, some of the pamphlets were stopped at the press, some called in, and both the printers and the authors questioned for engaging in an argument prohibited by the government. Amongst the rest, Burton and Pryn were called before the High Commission. But when the court was near their censure, they were served with a prohibition from Westminster-hall to stop their proceedings. This was the hardest stroke of the judges, and fell at the rebound on his majesty's proclamation.

739.

*The pope's
consolatory
letter to the
English
Roman
Catholics.
See Records,
num. 109.*

The commons' complaint of the growth of popery, and the king's letters to the bishops and judges to prosecute recusants, looked like a storm coming on that quarter. The pope receiving advice of this unexpected turn, sent a consolatory letter to the English Roman Catholics. This pope, like Paul V., seems to mistake the purport of the oath of allegiance; he

takes it for granted this test means more than a security for loyalty and civil obedience; that it strikes at the privileges of St. Peter's chair, and implies a claim of spiritual supremacy in the crown. Notwithstanding this supposition, he recommends submission and passive obedience in moving expressions; he lets them know they are not to apply to any expedients of violence; and that prayers and patience are the only defence Christian subjects are allowed to make use of¹.

And now to open the way, and make the Church history more intelligible, I must touch a little on what happened in the State. "The king of Denmark lately published a manifesto, setting forth, that at the instance of the kings of Great Britain and Denmark, the elector palatine had offered a submission to his imperial majesty, and thereupon was in hopes of being restored to the patrimony and privilege of his ancestors: that, notwithstanding this offer of satisfaction, the emperor continued his former hostilities upon the elector's country, and had much damnified the Lower Saxony by the forces commanded by his general count Tilly.

"The country being thus distressed, the princes of the Lower Saxony desired the assistance of him the king of Denmark to settle the repose, and preserve the liberties of Germany; that his Danish majesty was resolved to take the field for the restitution of the elector palatine: and that the king of Great Britain had entered into an engagement for the same purpose."

In the beginning of the year the war was prosperous on the Danes' side, but towards the end of the campaign the battle near Lutzen proved decisive for the emperor. In this action, where count Tilly commanded against the king of Denmark, the Danish infantry was entirely broken, the train of artillery lost, and a great many general officers killed and made prisoners.

The king of England, advertised of this misfortune, found it necessary to send out a fleet, and furnish a reinforcement for his uncle the Dane. But the exchequer was not in cash for so great an undertaking. The parliament, unless allowed to proceed in their impeachment of the duke of Buckingham, would pass no subsidy-bill. Instead of granting supplies, the commons had prepared a remonstrance. The king, thinking himself ill used in their postponing the money-bill, and that he

¹ If the popes had always acted on this conviction, they would have been less frequently execrated.

ABBOT,
Abp. Cant.

was struck at in his minister, and not liking to be prescribed to in the administration, dissolved the parliament on the 15th of June. But the crown revenues were in no condition to assist the confederates, and support the charge of a war: and therefore to answer the necessities of the government, a loan was pitched on as the best expedient. To dispose the people to assist this way, the clergy were called on to recommend the king's affairs. To this purpose, the king gave Laud, now bishop of Bath and Wells, some minutes to form into instructions. This bishop's draught being approved by the council, his majesty sent them to the two archbishops, requiring by his letters, to disperse them among the clergy of their respective provinces. To this end, besides transmitting the copies to the incumbents within their own proper dioceses, they were to send them to their suffragans, with orders to publish them in the same manner. To give the reader somewhat of the substance of the instructions.

Sept. 29,
A.D. 1626.

Archbishop
Laud's
Diary.

After having mentioned the king of Denmark's defeat in Germany, the loss of the palatinate, and the excessive power and ambition of the house of Austria, the clergy were to remind the people, "that the last parliament in the late reign addressed his present majesty to solicit the king his father to break off the treaties with the emperor and the king of Spain; promising at the same time to enable the crown to prosecute the war; and that the subject could not desert his majesty in this enterprise without reproach, and failure in duty: for this war being commenced at the instance, and upon the engagement of the parliament, the people are bound by the laws of God and man to support the government in it."

Cyprian.
Anglic.
p. 162.
History of
the Trou-
bles, &c. of
Archbishop
Laud.

This year the Roman Catholics in Ireland, finding the government somewhat distressed for want of money, offered to maintain five hundred horse, and five thousand foot, on condition of a toleration. This proposal being somewhat inviting, my lord deputy Faukland convened a meeting of both communions to the castle of Dublin: but the project was dashed by a protestation of the bishops against this indulgence. The instrument, signed by the lord primate Usher and eleven other bishops, was published at Christ-church before the lord deputy and council, by Downham bishop of Derry, who preached strongly against making religion subservient to state policy, and preferring the interest of this world to that of the other.

And the next Sunday primate Usher discoursed with the same freedom on this subject. This resolution of the bishops prevailed with the government to waive the thoughts of a toleration, and pitch upon some other expedient.

About this time the most learned Lancelot Andrews, bishop of Winchester, departed this life. He was buried at St. Saviour's in Southwark, the funeral sermon being preached by Buckridge, bishop of Rochester. To say something more particularly of him: he was a great orientalist, and thoroughly acquainted with the fathers, and other antiquities of the Christian Church. He was over and above a very exemplary person, had the mien and behaviour of a primitive bishop, and was no less commendable in his life than in his learning. While living, he only published in Latin his apology against cardinal Bellarmine; his "*Tortura Torti*," and a small tract, entitled, "*Determinatio Theologica de Jurejurando exigendo*." To these we may add a small volume of sermons in English. As for the book of catechetical doctrine printed without his consent, he expressly disowned it, as being no better than some imperfect collections taken by an unskilful hand from some discourses of his upon the Catechism in Pembroke-hall. But after his death ninety-six of his sermons, collected by Laud, then bishop of London, and Buckridge, bishop of Ely, were published and dedicated to the king in the year 1628. And the next year some other tracts of his in English and Latin were printed by the same prelates.

The deanery of the chapel royal being void by the death of bishop Andrews, Laud was preferred to that station; and here he observed an over-ceremonious custom had prevailed through the late reign. When the king came into his closet to hear the sermon in the chapel, it was the custom to break off divine service and sing the anthem, that the preacher might go into the pulpit. This was excessive respect, and looked as if the king came into the house of God to be worshipped. The new dean therefore entreated his majesty to be present at the liturgy, no less than at the sermon; and that at whatever part of the prayers the king came in, the priest who officiated might proceed to the end of the service. The king, without being the least disconcerted, gave his consent, and thanked the bishop for so pious a suggestion. As for the deanery of the

CHARLES
I.

Cyprian.
Anglic.
p. 206.
Parr's Life
of Usher,
p. 28, 29.
*The death
of bishop
Andrews.*

Cyprian.
Anglic.

740.

Archbishop
Laud's
Diary, p. 37.

ABBOT,
Abp. Cant.

chapel, though an ancient office, it had been discontinued from the year 1572 to the death of queen Elizabeth.

To return to the loan: notwithstanding the instructions above-mentioned, not a few persons of figure declined contributing this way, and were imprisoned for their refusal. However, several of the clergy did their part with earnestness enough, and some went too far in their commission: for instance, one Dr. Sibthorp, at an assize sermon preached at Northampton, in February last, carried the prerogative to an unwarrantable length, and was too much a court divine. His text was Romans xiii. 7: "Render therefore to all their dues."

*Sibthorp
preaches up
the preroga-
tive too high.*

In this sermon, amongst other exceptionable passages, he affirmed, "that as the prince is the head, and makes his court and council, it is his duty to direct and make laws:" and in proof of the chief magistrate's unlimited power, he cites Eccles. viii. 3, 4: "The king does whatsoever pleases him. And where the word of a king is, there is power, and who may say unto him, what dost thou?" But to argue from Palestine to England, and make the Jewish constitution a standard for all other governments, is slender reasoning, and shews the preacher was very defective, either in his honesty or understanding.

To go on a little further with this sermon. "If princes," says he, "command any thing which subjects may not perform, because it is against the laws of God, or of nature, or impossible: yet subjects are bound to undergo the punishment, without either resisting or railing, or reviling, and so to yield a passive obedience where they cannot exhibit an active one. I know no other case," continues Sibthorp, "but one of those three wherein a subject can excuse himself with passive obedience; but in all other he is bound to active obedience." This doctrine is arbitrary enough in all conscience; and were it pursued through its consequences, would make Magna Charta, and the other laws for securing property, signify little. However, Sibthorp was by some courtiers commended for his loyalty, and the sermon reported to the king as a serviceable discourse: upon this his majesty sent it to archbishop Abbot, with orders to license it; but Abbot being shocked with the passages above cited, not to mention other exceptions, refused to give it a pass. It was afterwards sent to Laud, who, having

qualified and corrected some crude assertions, approved of the rest. Upon this it was licensed by Montaign, bishop of London, and published under the title of "Apostolical Obedience."

As for Abbot, the king was much displeased with his refusing to license this sermon. It was for this non-compliance, as the lord Conway confessed to him, that he was suspended from his archiepiscopal function. During this suspension, a commission was granted to the bishops of London, Durham, Rochester, Oxford, and Bath and Wells. The instrument runs thus:—

CHARLES I.

Rushworth's Hist. Coll.

Cyprian.

Anglic.

The ostensible reason was Charles's misdeeds committed 7 years before.

Rushworth,

p. 447.

" Charles, by the grace of God, king of England, Scotland, France and Ireland, defender of the faith, &c. To the right reverend father in God, George, bishop of London; and to the right reverend father in God, our trusty and well-beloved counsellor, Richard, lord bishop of Durham; and to the right reverend father in God, John, lord bishop of Rochester; and John, lord bishop of Oxford; to the right reverend father in God our right trusty and well-beloved counsellor, William, lord bishop of Bath and Wells, greeting : A. D. 1627.

" Whereas George, now archbishop of Canterbury, in the right of the archbishopric, hath several and distinct archiepiscopal, episcopal, and other spiritual and ecclesiastical powers and jurisdictions to be exercised in the government and discipline of the Church, within the province of Canterbury, in the administration of justice in causes ecclesiastical within that province, which are partly executed by himself in his own person, and partly and more generally by several persons nominated and authorized by him, being learned in the ecclesiastical laws of this realm, in those several places whereunto they are deputed and appointed by the said archbishop; which several places, as we are informed, they severally hold by several grants for their several lives; as, namely, sir Henry Martin, knight, hath and holdeth by the grants of the said archbishop, the offices and places of the dean of the arches, and judge, or master of the prerogative court, for the natural life of the said sir Henry Martin. Archbishop Abbot suspended.

" Sir Charles Caesar, knight, hath and holdeth by grants of

ABBOT,
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the said archbishop, the places or offices of the judge of the audience and master of the faculties, for the term of the natural life of the said sir Charles Caesar.

“ Sir Thomas Ridley, knight, hath and holdeth by the grant of the said archbishop, the place or office of vicar-general to the said archbishop. And Nathaniel Brent, doctor of the laws, hath and holdeth by grant of the said archbishop, the office or place of commissary to the said archbishop, as of his proper and peculiar diocese of Canterbury. And likewise the several registers of the arches, prerogative, audience, faculties, and of the vicar-general and commissary of Canterbury, hold their places by grants from the said archbishop respectively.

741.

“ Whereas the said archbishop in some or all of these several places and jurisdictions doth, or may sometimes assume unto his personal and proper judicature, order, or direction, some particular causes, actions, or cases, at his pleasure. And forasmuch as the said archbishop cannot at this present, in his own person, attend the services which are otherwise proper for his cognizance and jurisdiction, and which, as archbishop of Canterbury, he might and ought, in his own person, to have performed and executed in causes and matters ecclesiastical, in the proper function of archbishop of the province; we, therefore, of our regal power, and of our princely care and providence that nothing shall be defective in the orders, discipline, government, or right of the Church, have thought fit, by the service of some other learned and reverend bishops to be named by us, to supply those things which the said archbishop ought or might, in the cases aforesaid, to have done, but for this present cannot perform the same.

“ Know ye, therefore, that we, reposing special trust and confidence in your approved wisdoms, learning, and integrity, have nominated, authorized, and appointed, and do by these presents nominate and appoint you the said George, lord bishop of London; Richard, lord bishop of Durham; John, lord bishop of Rochester; John, lord bishop of Oxford; and William, lord bishop of Bath and Wells; or any four, three, or two of you, to do, execute, and perform all and every those acts, matters, and things any way touching or concerning the power, jurisdiction, or authority of the archbishop of Canterbury, in causes or matters ecclesiastical, as amply, fully, and

effectually, to all intents and purposes, as the said archbishop himself might have done. CHARLES
I.

“And we do hereby command you, and every of you, to attend, perform, and execute this our royal pleasure, in and touching the premises, until we shall declare our will and pleasure to the contrary.

“And we further hereby will and command the said archbishop of Canterbury, quietly, and without interruption, to permit and suffer you, the said George, bishop of London; Richard, bishop of Durham; John, bishop of Rochester; John, bishop of Oxford; and William, bishop of Bath and Wells; any four, or three, or two of you, to execute and perform this our commission, according to our royal pleasure thereby signified.

“And we do further will and command all and every other person and persons whom it may any way concern in their several places or offices, to be attendant, observant, and obedient to you and every of you, in the execution and performance of this our royal will and command, as they and every of them will answer the contrary at their utmost perils.

“Nevertheless, we do hereby declare our royal pleasure to be, that they the said sir Henry Martin, sir Charles Caesar, sir Thomas Ridley, and Nathaniel Brent, in their several offices and places aforesaid, and all other registers, officers, and ministers in the several courts, offices, and jurisdictions appertaining to the said archbishop, shall quietly, and without interruption, hold, use, occupy, and enjoy their said offices and places, which they now hold by the grant of the said archbishop, or of any other former archbishop of Canterbury, in such manner and form, and with those benefits, privileges, powers, and authorities, which they now have, hold, and enjoy therein, or thereout severally and respectively, they and every of them in their several places being attendant and obedient unto you the said George, bishop of London; Richard, bishop of Durham; John, bishop of Rochester; John, bishop of Oxford; and William, bishop of Bath and Wells; or to any four, three, or two of you, in all things, according to the tenor of this our commission, as they should or ought to have been to the said archbishop himself, if this commission had not been had or made.

“In witness whereof we have caused these our letters to be

ABBOT, made patent. Witness ourself at Westminster, the ninth day of October, in the third year of our reign.

“Per ipsum regem.

“EDMONDS.”

Remarks upon the sequestering the arch-bishop's jurisdiction. Held in the year 341. Can. 4. Beveridge, Pandectæ Canonum. Held A. D. 459. Can. 12.

It must be confessed, this revocation of the powers of the hierarchy, purely by the force of the regale, looks like a modern way of proceeding. The discipline of the ancient Church was conveyed through another channel. The council of Antioch mentions a synod as a proper judicature for the trial of a bishop; neither does it so much as suppose there could be any other. And by the council of Carthage it is decreed, that in case a bishop is reported a criminal, and a synod cannot conveniently be called, he shall be tried by twelve bishops. By the way, both these councils were held under Christian princes; and yet the fathers ordered the process against a bishop should be managed by those of his own order. It was not then the custom for princes to lay any penalties upon bishops, unless for crimes against the State. But as to failures in their function, ecclesiastics were only to take notice of such matters.

Theod. Hist. Eccles. lib. 4. c. 34.

Thus, for instance, St. Chrysostom was deposed by a synodical sentence. Arcadius, the emperor, though willing to be rid of him, did not think fit to arrest his jurisdiction, or silence his preaching, by exerting the regale; such proceedings were altogether unprecedented in that age. The Church at that time of day would have been extremely surprised to see a prince supersede a spiritual commission underived from him. But supposing the spiritual authority lay never so much at the pleasure of the crown, was it not somewhat of a hardship the archbishop should be put under an incapacity, and barred the execution of his office, without assigning the reason for this correction, without bringing him to a hearing, and allowing the common liberty of a defence?

Ch. Hist. book 11. p. 127.

Fuller relates this suspension was drawn on the archbishop for the casual homicide committed in the late reign. But this is a mistake; for,

First. He had a royal dispensation, already mentioned, to shelter him against the canons. This must of course make him “rectus in curia,” so far, at least, as to cover him from prosecution.

Secondly. This commission, granted by king Charles, is

wholly silent as to Abbot's former misfortune, and only takes notice that "the archbishop cannot at this present in his own person attend the services which are otherwise proper for his cognizance and jurisdiction," &c. And why could he not attend them? Because his majesty was displeased, and would not permit him.

CHARLES
I.
742.

But, after all, the good king was misdirected into these rigours, and believed himself in the right. The archbishop complained the duke of Buckingham was his enemy. This favourite was disappointed in the homage he expected: Abbot, it seems, did not think it proper to make his court to the duke, to treat him with submission, and compliment his standing to the other's courtesy.

Rushworth's
Collect.
vol. 1.

Besides, the king was embarrassed with the war, uneasy at the conduct of the parliament; and as measures were taken, had no other way to retrieve his affairs but by borrowing money. Now Sibthorp had laid out himself with a great deal of zeal to set the loan forward; and Abbot's refusing to recommend this discourse to the public, touched the king in a tender part, and made him more liable to unfavourable impressions.

The learned Heylin believes the king was swayed by another motive. He thought Abbot was somewhat biassed towards the Nonconformists, and too remiss in his government: that for this reason he seized his jurisdiction, and put it in hands more disposed to act for the advantage of the established Church.

Cyprian.
Anglic.
p. 170.

This year a misunderstanding between the courts of England and France began, upon some disputes touching the government of the queen's family. By the articles of marriage it was agreed her majesty should have a certain number of priests to officiate in her chapel, together with a bishop, who was to be allowed the full exercise of ecclesiastical jurisdiction. Some of these ecclesiastics enjoined her majesty a very odd penance: it was "to go to Tyburn to perform her devotions, where some Roman Catholic priests had been lately executed."

*The French
part of the
queen's fa-
mily sent
home.*

The king, resenting this discipline, and having been ill used by the queen's family in other respects, complained of their misbehaviour to the French king. In short, the French part of the queen's court were paid their salaries and sent home. And though the king ordered his ambassador, the lord Carleton, to

Rushworth's
Collect.
Annals of
King
Charles I.

ABBOT, represent the matter at length for the satisfaction of his most Christian majesty, yet the excuse would by no means pass with the French; they remonstrated against this discharge as a breach of the articles of marriage; and, in a word, the two crowns, on this occasion, came to an open rupture, which was not closed, as has been observed, till the latter end of the next year.

Cozens' Devotions published, and exceptions against it.

About this time there was a book published, entitled, "A Collection of Private Devotions, or the Hours of Prayer." It was written by Cozens, prebendary of Durham, at the request of the countess of Denby, the duke of Buckingham's sister. This lady being then somewhat unsettled in her religion, and warping towards popery, these devotions were drawn up to recommend the Church of England farther to her esteem, and preserve her in that communion. This book, though furnished with a great deal of good matter, was not altogether acceptable in the contexture. The title-page sets forth it was formed upon the model of a book of "Private Prayers," authorized by queen Elizabeth, in the year 1560. To give the reader some part of it: after the calendar it begins "with a recital of the Apostles' Creed in twelve articles, the Lord's Prayer in seven petitions, the Ten Commandments, with the duties enjoined, and the sins forbidden." Then follows "the precepts of charity, the seven sacraments, the three theological virtues, the three kinds of good works, the seven gifts of the Holy Ghost, the twelve fruits of the Holy Ghost, the spiritual and corporal works of mercy, the eight beatitudes, the seven deadly sins, their opposite virtues, and the *quatuor novissima*." And, after some explanatory prefaces and introductions, were subjoined, "the forms of prayer for the first, third, sixth, and ninth hours, and likewise for the vespers and compline, formerly called the canonical hours." Next to these was "the Litany, the seven penitential Psalms, prayers preparatory for receiving the holy eucharist, prayers to be used in time of sickness, and at the approach of death;" besides many others.

Horarium regia auctoritate, editum, A.D. 1560, and reprinted, A.D. 1573, cum privilegio, by William Seers.

It was licensed, Feb. 1626.

This book, though approved by Montaign, bishop of London, and licensed with his own hand, was somewhat surprising at the first view; and some moderate persons were shocked with it, as drawing too near the superstitions of the Church of Rome; at least they suspected it as a preparation to further advances. The top of the frontispiece had the name of Jesus

in three capital letters, J. H. S. ; upon this there was a cross CHARLES
I. encircled with the sun, supported by two angels, with two devout women praying towards it. This representation, though innocent enough, did not pass without censure. It was not long before Pryn and Burton, two malcontents, appeared against it.

Indeed, it is no wonder to find the "arriere ban¹" of the Puritans drawn out upon this occasion. Pryn called his performance "A Brief Survey and Censure of Cozens, his cozening Devotions." And here, not distinguishing between popery and primitive practice, he falls blindly on Cozens's book, and, without either judgment or justice, condemns every thing in the public devotions and offices of the Church of Rome. But notwithstanding all this vehemence, and the clamours of the party, the book gained ground, grew up into esteem, and was approved by many of those who scrupled it at first.

On the 17th of March a new parliament met at Westminster. A.D. 1627-8.
The parliament meets. This parliament, to show their concern for religion, brought in "A Bill for reformation of sundry abuses committed on the Lord's-day." There was a statute to this purpose, made in the first year of this reign. And here it was enacted, "That 1 Charles I.
cap. 1. no persons should come out of their own parishes on the Lord's-day for any sports or pastimes whatsoever: nor that any bear-baiting, bull-baiting, interludes, common plays, or other unlawful exercises and pastimes, should be used by any persons within their own parishes." But then the act does not define what those other unlawful exercises and pastimes are. Whether this omission was intended for a connivance at other relaxations, is somewhat uncertain. To proceed, "those who offended in any of the premises were to forfeit three shillings and four-pence, *toties quoties*, for the use of the poor of the parish." This act was fortified and extended to farther prohibitions by the present parliament. And now 3 Charles I.
cap. 1. "carriers, carmen, and drovers, who travelled or followed their business on Sunday, were to forfeit twenty shillings; and butchers, that killed or sold meat that day, six shillings and eight-pence for every offence."

And by another statute, "Those who either went beyond sea, or sent any person into foreign countries, to be trained up in popery, were disabled from suing, from being executors or

¹ Arriere ban is a general proclamation, by which the king of France summons to war all that hold of him.

ABBOT, administrators, made incapable of any legacy, deed of gift, or to bear any office within the realm;" and over and above, "were to forfeit all their goods and chattels, all their lands, tenements, rents, annuities, offices, &c. during life."

743.
3 Charles 1.
cap. 2.

This parliament sat till the 26th of June, and was then prorogued to the 20th of October. Some time before this prorogation, the commons brought in a charge against Dr. Manwaring for preaching arbitrary doctrine. This divine had lately, in two sermons before the king at Whitehall, delivered himself very indiscreetly to this purpose:—

*Dr. Manwaring's
extravagant
assertions.*

"That the king is not bound to preserve the subjects in their legal rights and liberties; that his royal will and absolute command in imposing loans and taxes, though without the consent of the parliament, ought to be obeyed by the subject, under the penalty of eternal damnation; that those who refused to comply with this loan transgressed the law of God, insulted the king's supreme authority, and incurred the guilt of impiety, disloyalty, and rebellion; that the authority of both houses is not necessary for the raising aids and subsidies; that the slow proceedings of such great assemblies were not suitable to the exigencies of the state; and that, by going thus far about, princes must of necessity be clogged and disappointed in their business."

Rushworth's
Collect.
vol. 1.

*He is prosecuted by
the Commons
and censured
by the house
of Lords.*

This, without doubt, was extravagant divinity, subversive of the constitution, and preaching directly against a great part of the Statute-book. The declaration of the commons against Manwaring was delivered to the lords by Mr. Pym, who managed the impeachment with vigour and advantage enough.

April 21,
A.D. 1623.
Wharton's
MSS. from
Archbishop
Sanicroft's
Collections.
See the case
of Impropria-
tions,
&c. Append.
p. 26.
*Sir Benjamin
Rudyer's
speech for
the aug-
mentation of
small livings.*

This sessions, a bill was brought in for the augmentation of livings; and the commons, having turned themselves into a committee of the whole house, a remarkable speech was delivered upon this subject by sir Benjamin Rudyer. He directs his discourse to Mr. Pym, then in the chair:—

"MR. PYM,

"I did not think to have spoken again to this bill, because I was willing to believe that the forwardness of this committee would have prevented me; but now I do hold myself bound to speak, and to speak in earnest.

"In the first year of the king and the second convention, I

first moved for the increase and enlarging of poor ministers' livings. I showed how necessary it was to be done: how shameful it was that it had been so long neglected. This was also commended to the house by his majesty. There were then (as now) many accusations on foot against scandalous ministers. I was bold to tell the house, that there were scandalous livings too, which were much the cause of the other: livings of five marks and five pounds a-year; that men of worth and of good parts would not be muzzled up to such pittance; that there were some places in England, which were scarce in Christendom, where God was little better known than among the Indians. I exampled it in the uttermost parts of the North, where the prayers of the common people are more like spells and charms than devotions. The same blindness and ignorance is in divers parts of Wales, which many of that country do both know and lament.

"I declared also, that to plant good ministers in good livings was the strongest and surest means to establish true religion; that it would prevail more against papistry than the making of new laws, or executing of old: that it would counterwork court connivance and lukewarm accommodation; that, though the calling of ministers be never so glorious within, yet outward poverty will bring contempt upon them, especially among those who measure men by the acre, and weigh them by the pound, which indeed is the greatest part of men.

"Mr. Pym, I cannot but testify how—being in Germany—I was exceedingly scandalized to see the poor stipendiary ministers of the reformed Churches there despised and neglected by reason of their poverty, being otherwise very grave and learned men. I am afraid that is a part of the burden of Germany which ought to be a warning to us. I have heard many objections and difficulties, even to impossibilities, against this bill. To him that is unwilling to go, there is ever a bear or a lion in the way. First let us make ourselves willing, then will the way be easy and safe enough. I have observed that we are always very eager and fierce against papistry, against scandalous ministers, and against things which are not within our power. I shall be glad to see that we do delight, as well in rewarding as in punishing, and in undertaking matters within our reach, as this is absolutely within our power. Our own duty is next, and other men's is farther off.

CHARLES
I.

ABBOT,
Abp. Cant.

“ I do not speak this that I do mislike the destroying and pulling down of that which is ill ; but then let us be as earnest to plant and build up that which is good in the room of it :— for why should we be desolate ? The best and nearest way to dispel darkness, and the deeds thereof, is to let in light. We say that day breaks ; but no man ever heard the voice of it. God comes in the ‘ still voice : ’ let us quickly mend our candlesticks, and we cannot want light. I am afraid this backwardness of ours will give our adversaries occasion to say, that we choose our religion because it is the cheaper of the two ; that we would willingly serve God with somewhat that should cost us nought.

“ Believe me, Mr. Pym, he that thinks to save anything by his religion but his soul, will be a terrible loser in the end. We sow sparingly, that is the reason we reap so sparingly, and have no more fruit. Methinks, whoever hates papistry should by the same rule hate covetousness : for that is idolatry, too. I never like hot professions, and cold actions. Such a heat is rather the heat of distemper and disease, than of life and saving health.

744. “ For scandalous ministers, there is no man shall be more sincerely forward to have them punished than I will be. When ‘ salt has lost its savour,’ let it be cast out upon the unsavoury place, the dung-hill. But, sir, let us deal with them as God hath dealt with us. God, before he made man, he made the world, a handsome place for him to dwell in. So let us provide them competent livings, and then punish them in God’s name ; but, till then, scandalous livings cannot but have scandalous ministers. It shall ever be a rule to me, that, when the Church and commonwealth are both of one religion, it is comely and decent that the outward splendour of the Church should hold a proportion, and participate with the prosperity of the temporal estate : for why should we dwell in houses of cedar, and ‘ suffer
2Sam. vii. 2. God to dwell in skins ?

“ It was a glorious and religious work of king James,—I speak it to his unspeakable honour, and to the praise of that nation, who, though their country be not so rich as ours, yet are they richer in their affections to religion,—within the space of one year, he caused churches to be planted through all Scotland and the borders, worth thirty pounds a-year a-piece, with a house and some glebe belonging to them : which thirty

pounds a-year, considering the cheapness of the country and the modest fashion of men's living there, is worth double as much as any where within an hundred miles of London. The printed act and commission, whereby it was executed, I have here in my hand, delivered unto me by a noble gentleman of that nation, and a worthy member of this house, sir Francis Steward.

“ To conclude : although Christian religion be established generally through this kingdom, yet, until it be planted more particularly, I shall scarce think this a Christian commonwealth ; and, seeing it hath been moved and stirred in parliament, it will be heavy upon parliaments till it be effected. Let us do something for God here of our own ; and, no doubt, God will bless our proceedings in this place for ever after. And, for my own part, I will never give over soliciting this cause as long as parliaments and I shall live together.”

To proceed : the commons, by their speaker, demanded judgment of the lords against Dr. Manwaring : upon which, the upper house gave the following sentence :—

June 13,
A.D. 1628.

“ First. That Roger Manwaring, doctor in divinity, shall be imprisoned during the pleasure of the house.

“ Secondly. He is fined a thousand pounds to the king.

“ Thirdly. He is to make such submission and acknowledgment of his offences as shall be set down by a committee, in writing, both at the bar and in the house of Commons.

“ Fourthly. He shall be suspended for the term of three years from the exercise of the ministry ; and, in the mean time, a sufficient preaching-minister shall be provided, out of his livings, to serve the cure. This suspension and provision to be done by the ecclesiastical jurisdiction.

“ Fifthly. He shall be hereafter disabled to have any ecclesiastical dignity or secular office.

“ Sixthly. He shall be for ever disabled to preach at the court.

“ Seventhly. His said book is worthy to be burnt ; and that, for the better effecting of this, his majesty may be moved to grant a proclamation to call in the said books, that they may all be burnt accordingly, in London and both the universities, and for the inhibiting the printing thereof upon a great penalty.”

Id. p. 605.

ABBOT,
Abp. Cant.

As for Dr. Manwaring's submission, it was prescribed by a committee of the commons, and made by him in these words :—

Dr. Manwaring's submission at the bar of the house of Commons.

“ May it please this honourable house, I do here, in all sorrow of heart and true repentance, acknowledge the many errors and indiscretions which I have committed, in preaching and publishing those two sermons of mine, which I called ‘ Religion and Allegiance,’ and my great fault in falling upon this theme again, and handling the same rashly and unadvisedly in my own parish-church of St. Giles’s-in-the-Fields, the 4th of May last past. I do humbly acknowledge those three sermons to have been full of many dangerous passages, inferences, and scandalous aspersions, in most part of the same ; and I do humbly acknowledge the justice of this honourable house in the judgment and sentence passed upon me for my great offence ; and I do, from the bottom of my heart, crave pardon of God, the king, and this honourable house, and the Church, and this commonwealth in general, and those worthy persons adjudged to be reflected upon by me in particular, for these great errors and offences.

See further, p. 39.

“ ROGER MANWARING.”

The Commons' remonstrance with reference to religion.

About this time the commons addressed the king with a remonstrance. They begin with thanks to his majesty for his satisfactory answer to their “Petition of Right.” After this they suggest “a general apprehension of a secret design concerted for introducing a change in religion ; that these jealousies were grounded upon matter of fact ; it was the visible increase of popery, and the particular countenance those of that persuasion received at court, which occasioned this jealousy ; that the minds of his subjects were further alarmed by his majesty’s letters for stopping legal proceedings against Papists, and by commissions under the great seal granted and executed for composition to be made with these recusants, with inhibitions both to the ecclesiastical and temporal courts in their favour : all which, in their opinion, amounts to little less than a toleration.” They proceed to complain, “that the hearts of his good subjects are no less perplexed by the daily growth and spreading of the Arminian faction ; that this, as his majesty well knows, is but a more covert practice for the

CHARLES

I.

bringing in popery ; that those who profess these opinions are no better than incendiaries and common nuisances, both in Church and State, being Protestants without-side, but Jesuits within ; that, notwithstanding his majesty's public dislike of those persons and their opinions in his proclamation, they are remarkably cherished and advanced to posts of honour and trust ; and, to give some instances, Neile, bishop of Winchester, and Laud, bishop of Bath and Wells, are justly suspected of unsound opinions this way ; that Arminianism being now looked on as the most thriving persuasion, and the road to preferment, many scholars are tempted to declare themselves of that party ; that the books which maintain such singularities are suffered to be printed, and those written against them suppressed.

“ That the fears of the commons are further increased by some endeavours which have been used for removing the most powerful means to strengthen the Protestant religion,—that is, the instruction of the people has been discouraged by misrepresenting and laying uncreditable imputations upon pious, painful, and orthodox preachers.

745.

“ From hence they proceed to report the miserable condition of Ireland, where, as they say, the popish religion is openly professed ; where monasteries and other superstitious houses are newly erected, furnished with religious of both sexes, and plentifully maintained at Dublin, and many other great towns in that kingdom.”

Rushworth's
Collect.
vol. I.
p. 620.

The rest of the remonstrance relating to the State shall be omitted.

This address, being presented with the subsidy-bill, was not well received by his majesty, who thought it an unsuitable return for his granting their “Petition of Right.” However, the commons went on to draw another remonstrance against tonnage and poundage. Upon which his majesty prorogued them to the 20th of October, and from thence to the 20th of January. And thus the presenting the second remonstrance was prevented.

June 26.

As to the first, the king published an answer to it. It was drawn up by Laud, and so much of it as relates to religion is to this purpose :—

“ First. The king takes notice the remonstrance begins with *The king's answer.*

ABBOT,
Abp. Cant.

religion, and the fears of a relapse into popery. To scatter these jealousies, the king would have his subjects recollect what difficulties and dangers he met with, not many years since, on the score of religion; that his faith and resolution was still the same; and that he was no less careful to guard against innovation than those who seemed so much disturbed upon that head; that the favour and relaxation granted to some recusants was occasioned by the parliament's refusing to supply the necessities of the government. However, upon an exact enquiry into matter of fact, it will be found there is no such increase of popery, nor any thing that looks like the pretended toleration; that the commission, so much complained of, neither dispenses with any penalty, nor restrains the course of justice against recusants. Their next fear arises from the daily growth of the Arminian faction. This is called 'a cunning way to bring in popery¹.' But this charge the king looks on as a very injurious reflection upon his person and government; that it is not fit his subjects should be led into a mistake by a parliamentary remonstrance, or by any other means; as if his majesty is either so ignorant in matters of religious belief, or so indifferent in maintaining them, as that any singular opinion should grow up, or any faction prevail in his kingdoms, without his knowledge; that this was a fancy altogether without ground, and endeavoured to persuade the people the king slept over the government; that two eminent prelates attending his person were much wronged in being accused without the least colour of proof produced against them; and that should either these bishops, or any others, attempt the altering of religion, his majesty would quickly animadvert upon them, without staying for the commons' remonstrance.

"To give a colour to their complaint, the people are made to believe orthodox books have a restraint clapped upon them; but the king is very well assured, that since the late parliament began, some whom the remonstrance calls orthodox had ventured upon intolerable liberty in printing; that his majesty's proclamation commanded both sides to acquiesce, and lie by till the passions of men had time to cool and grow calm. Had this order been duly obeyed, 'the nation had not been tossed in the present tempest.' As for the discountenancing good

¹ Arminianism has its faults; but to accuse it thus of being implicated with the peculiar abuses of popery, was a contemptible ex-parte falsehood.

preachers, his majesty knows none who can answer this character that lie under any such distress. That it shall be his majesty's constant care to provide his people with sufficient guides for conscience and spiritual assistance. And as for the Church preferments in the crown, he has always endeavoured to bestow them upon industry and desert ; but then, as the preferments are his majesty's own, he shall make himself judge of the merit of persons, and not be taught by a remonstrance.

“ Then with reference to Ireland, the king believes religion in no worse condition in that kingdom than queen Elizabeth left it ; that his majesty looks on the report of monasteries and other superstitious houses, built in Dublin and other towns of note, as a great disparagement to his government ; that his deputy and council in that kingdom would not suffer such hardy innovations, so dishonourable to God and the government, without acquainting him with it ; and that he could not endure his good people should be thus imposed on with misrelations. And whereas the remonstrance lays some stress on the circumstance of time, and sets forth that the true religion is undermined at home, and openly attacked in foreign parts, at the same unhappy juncture ;—to this his majesty replies, the Reformation is safe enough from any attempts at home, if those who seem most concerned for its support are not in a practice against it ; for while the interest of religion is thus factiously pursued, the heat of the contest oftentimes melts off the purity which it is intended to preserve ; and that his majesty is well assured these violent distempered motions are none of God's methods.”

CHARLES
I.

Cyprian.
Angl.

Soon after the recess of the parliament, Laud was translated from Bath and Wells to London, and Montague promoted to the see of Chichester. Before he was consecrated, an unexpected rub was thrown in the way. At the confirmation of bishops, in the court of arches at Bow-church, in Cheapside, there was public notice given, that if any persons could object either against the party elected, or the legality of the election, they are to come and offer their exceptions at the day prefixed. This intimation being given, one Jones, a bookseller, attended with the mob, appearing at the confirmation, excepted against Montague, as a person unqualified for the episcopal dignity.

Bishop Laud translated to London.

August 24.

ABBOT,
Abp. Cant.

*Exceptions
against
Montague in
his confirma-
tion.*

And to be somewhat particular, he charged him with popery, Arminianism, and other heterodoxies, for which his books had been censured in the former parliament. But Dr. Thomas Rives, who then officiated for Brent, the vicar-general, disappointed this challenge; for Jones had made some material omissions in the manner, and not offered his objections in form of law. For instance, the exceptions were neither given in writing, nor signed by an advocate, nor presented by any proctor of the court. Upon the failure of these circumstances, the confirmation went on. And to set Montague out of the reach of these cavils, he was consecrated two days after at Croydon.

746.

After the murder of the duke of Buckingham, who was stabbed at Portsmouth by one John Felton, a lieutenant, Laud seemed to fill his room in the king's esteem, and had a considerable direction of affairs both in Church and State. To give an instance: This prelate, for silencing the controversy between the Calvinists and Arminians, procured the reprinting of the Nine-and-thirty Articles, with the king's declaration prefixed at the head of them. This was conceived the best expedient to lay the Predestinarian disputes asleep. For by the statutes of the realm, all incumbents were obliged to read the book of Articles at church soon after their institution; and by the canons, all that took orders were bound to subscribe them. As to the king's declaration at the head of the Articles, the design of it was to guard them from misconstruction, and prevent their being wrested out of the obvious and literal sense. The declaration runs thus:—

“ By the King.

*The king's
declaration
prefixed to
the Nine-
and-thirty
Articles.*

“ Being by God's ordinance, according to our just title, defender of the faith, and supreme governor of the Church within these our dominions, we hold it most agreeable to our kingly office, and our own religious zeal, to conserve and maintain the Church committed to our charge in the unity of true religion, and in the bond of peace; and not to suffer unnecessary disputations, alterations, and questions to be raised which may nourish faction both in Church and common-wealth. We have therefore, upon mature deliberation, and with the advice of so many of our bishops as might be conveniently called together, thought fit to make this declaration following:— That the Articles of the Church of England (which had been

allowed and authorized heretofore, and which our clergy generally have subscribed unto) do contain the true doctrine of the Church of England, agreeable to God's Word; which we do therefore ratify and confirm, requiring all our loving subjects to continue in the uniform profession thereof, and prohibiting the least difference from the said articles; which to that end we command to be reprinted, and this our declaration to be published therewith.

CHARLES

I.

“ That we are supreme governor of the Church of England, and that if any differences arise about the external policy concerning injunctions, canons, or other constitutions whatsoever thereunto belonging; the clergy in their convocation are to order and settle them, having first obtained leave under our broad seal so to do: and we approving their said ordinances and constitutions, provided that none be made contrary to the laws and customs of the land. That out of our princely care, that the churchmen may do the work which is proper unto them; the bishops and clergy, from time to time, in convocation, upon their humble desire, shall have licence under our broad seal, to deliberate of, and to do all such things as, being made plain by them, and assented to by us, shall concern the settled continuance of the doctrine and discipline of the Church of England established; from which we shall not endure any variation or departing in the least degree. That for the present, though some differences have been ill raised, we take comfort in this, that all clergymen within our realm have always most willingly subscribed to the Articles established, which is an argument to us, that they all agree in the true usual literal meaning of the said Articles, and that even in those curious points in which the differences lie, men of all sorts take the Articles of the Church of England to be for them; which is an argument, again, that none of them intend any desertion of the Articles established. That therefore, in these both curious and unhappy differences, which have for many years, in different times and places, exercised the Church of Christ, we will that all further curious search be laid aside, and these disputes be shut up in God's promises, as they be generally set forth in holy Scriptures, and the general meaning of the Articles of the Church of England, according to them. And that no man hereafter shall either print or preach to draw the Article aside any way, but shall submit to it in the plain

ABBOT,
Abp. Cant.

and full meaning thereof ; and shall not put his own sense or comment to the meaning of the Article, but shall take it in the literal and grammatical sense. That if any public reader in either of our universities, or any head or master of a college, or any other person respectively in either of them, shall affix any new sense to any Article, or shall publicly read, determine, or hold any public disputation, or suffer any such to be held either way, in either the universities or colleges respectively ; or if any divine in the universities shall preach or print any thing either way, other than is established in convocation with our royal assent, he or they the offenders shall be liable to our displeasure, and the Church's censure in our commission ecclesiastical, as well as any other ; and we will see there shall be due execution upon them."

Bibliotheca
Regia, sec. 3.
num. 4.

The Calvinists complain of the declaration, and prepare an address against it.

The Calvinian party complained loudly of this declaration. They gave out the design of it was chiefly for the suppressing orthodox books, for the discouraging godly ministers from preaching the comfortable doctrines of man's election to eternal happiness, and for promoting the growth of Arminianism. And to give these jealousies an appearance of probability, a letter, pretended to be written to the rector of the Jesuits'-college in Brussels, is industriously dispersed. And here his correspondents acquaint him what care they had taken to plant the "sovereign drug," as they call it, of Arminianism ; that this would purge off the Protestant heresy ; that they began to find the effects of it already ; and that, for preventing disappointment on the Puritan side, the Arminians had possessed themselves of the duke. The letter goes on in a resembling strain of confidence, and was looked on by men of sense as no better than a piece of forgery. However, notwithstanding its romantic air, the paper gained belief, and helped to do business. For now the Calvinists in and about London drew an address to the king, which they intended to present for recalling his declaration. The petition sets forth "what a restraint was laid upon them from preaching the saving doctrines of God's free grace in election and predestination ; that this had brought them under a very uncomfortable dilemma, either of falling under the Divine displeasure, if they did not execute their commission in declaring the whole counsel of God, or of being censured for opposition to his majesty's

authority in case they preached the received doctrines of the Church, and attacked the Pelagian and Arminian heresies, both boldly published from pulpit and press." That therefore they humbly intreat his majesty would be pleased to take the fore-mentioned evils and grievances into his princely consideration: and, as a wise physician, apply such speedy remedies as may both cure the present distempers, and preserve the Church and State from those plagues with which their neighbours had not been a little distressed.

CHARLES
I.

Canter-
bury's
Doom.

But this address was stopped in its passage, and never reached the king: however, when the parliament met, something of this kind was resolved as the sense of the house: but of this by and by.

To proceed; in the interval between the two sessions, Dr. Manwaring's sermons, entitled, "Religion and Allegiance," were suppressed by proclamation; in which the king declared, that though the grounds of the discourse were rightly laid to persuade the subject to obedience for conscience sake, there were notwithstanding several exceptionable passages: that some of the doctor's inferences and applications clashed with the laws of the land, and the proceedings of parliaments: that the doctor's ignorance of the constitution had misled him to that degree, that he had justly drawn upon himself the censure of the high court of parliament. That his majesty being desirous to remove occasions of scandal, had thought fit those sermons should be wholly suppressed. About the same time bishop Montague's "Appello Cæsarem" was called in. The order sets forth, that this book had been the first occasion of those disputes and differences, which had disturbed the repose of the Church. His majesty therefore commands all persons who had any of those books in their hands to deliver them to the bishop of the diocese, or to the chancellor or vice-chancellor of the universities, provided that they were found in either of those societies. And that if any person by preaching, reading, or printing, should revive those unnecessary disputes, his majesty was resolved to make them repent their presumption. On the other side, to secure bishop Montague from further trouble, and relieve Manwaring a little under the parliamentary sentence, they had both of them his majesty's pardon for all errors formerly committed in speaking, writing, or printing. Montague's preferment, since his being harassed by the commons, has been mentioned already: and as for

Manwaring's sermons suppressed by proclamation, and Montague's "Appello Cæsarem" called in.

Rushworth's
Collect.
vol. 1.

ABBOT,
Abp. Cant.

*They are
both pre-
ferred.*

Manwaring, notwithstanding the sentence of the lords had disabled him from promotion, he was presented to the rectory of Stamford Rivers in Essex, with a dispensation to hold it with his living of St. Giles's [in the Fields, and was afterwards made bishop of St. David's. The preferring this gentleman, who had recanted in form, and owned himself so remarkable a criminal, was no serviceable conduct: this countenance looked something like a partiality for the prerogative, made the parliament more warm at their next meeting, and the king lose ground in the affection of his subjects.

*Proclama-
tion against
Smith, bishop
of Chalce-
don, &c.*

But to give satisfaction another way, a proclamation was issued for proceeding against popish recusants, and directions sent to his majesty's commissioners for taking the forfeitures of two thirds of their estates. But the rigour of the statutes is said to have been mitigated by favourable composition. This proclamation was seconded with another for apprehending all priests and Jesuits, and committing them to gaol without bail or mainprize. And here Richard Smith, bishop of Chalcedon, was particularly mentioned. He was sent hither by the pope, with episcopal jurisdiction over the English Roman Catholics. He wrote a book entitled, the "Prudential Balance," and was a person well esteemed by the laity and seculars. But his character was by no means acceptable to the regulars, who appeared strongly against him, and particularly one Nicholas Smith. This titular bishop of Chalcedon finding the country unfriendly, retired to France, and was kindly received by cardinal Richelieu.

Examen
Histor.
Rushworth's
Collect.
vol. 1.

About Christmas this year, archbishop Abbot was restored to his liberty and jurisdiction: he was sent for to court, kissed the king's hand, and was ordered not to fail being at the council board twice a week: after this he was no more put under any restraint, but enjoyed the privilege of his station as long as he lived.

At the next meeting the commons concerned themselves with controversies of religion, pronounced upon the sense of the Nine-and-thirty Articles, and seem to clash with the king's late declaration. This vow of the house of commons, as Rushworth calls it, stands thus:—

*The Com-
mons' de-
claration
upon the*

"We the commons in parliament assembled, do claim, protest, and avow for truth, the sense of the articles of religion, which were established by parliament in the thirteenth year of ?

our late queen Elizabeth, which by the public act of the CHARLES Church of England, and by the general and current expositions ^{I.} of the writers of our Church, have been delivered unto us. *Nine-and-thirty Articles.* And we reject the sense of the Jesuits, and Arminians, and all others wherein they differ from us."

The commons being thus decisive in points of religion and mystery, was somewhat surprising: it was thought the resolution of these matters, in which the most learned clergy were so much divided, had been more proper for a provincial council; that the setting a rule for belief was foreign to the business of the commons; that their profession had not qualified them for inquiries of this kind: and that they had neither character or authority for settling the controversy. To instance, in one clause of their declaration, "they vow for truth the sense of the articles, which were established by parliament, in the thirteenth year of queen Elizabeth."

But, by the way, neither the sense of the articles, nor the articles themselves, are established either in that parliament, or in any other. We hear of no committee of religion appointed to examine the orthodoxy of these credenda, or any resolution of the house upon their report. The design of the statute, as has been already observed, was only to provide 13 Eliz. cap. 12. against non-conformity; for which purpose the clergy are obliged to subscribe the articles, and read them in their parish churches.

The commons were by no means pleased with the administration; they insinuated Popery and Arminianism were in a concert to undermine the constitution, and make way for arbitrary government. That the juncture called for an inquiry into the pardon that had been granted, and the ecclesiastical preferments bestowed since the last session: that the "work of the Lord" must not be "done negligently;" and that the business of religion ought to have the preference to that of tonnage and poundage. And the committee being settled, Mr. Pym spoke to the following effect:

748.

"Religion," he said, "was distressed with Popery and Arminianism. As to the first, they ought to inquire into three They complain of innovations in religion. things. First, The non-execution of the laws against Papists. Secondly, How much these recusants had been employed and countenanced. Thirdly, They were to take notice of the

ABBOT,
Abp. Cant.

breach made upon the law by bringing in superstitious ceremonies." And here he instances in the innovations pretended to be practised at Durham, by Mr. Cozens: such as angels, crucifixes, saints, altars, candles on Candlemas-day burning in the church.

Now, if Pym meant invocation of saints and angels, and worshipping the cross, or the altar, it was a downright calumny on Cozens: but if this is not his meaning, his charge is trifling, and nothing to the purpose. Then speaking to the point of Arminianism, he passes the "Lambeth Articles" for the doctrine of the Church of England: taking this for granted, he would have a test for examining the late contrary opinions: and moves that an inquiry may be made what men have been since preferred, who have professed these heresies: what pardons they have had for false doctrine: what books have been prohibited that appeared against them, and how much those on their side have been suffered to pass.

Pursuant to this speech, the committee excepted to the pardons of Montague and Manwaring, complained of Neile, bishop of Winchester, for procuring them, and call an Arminian the spawn of a Papist. And thus the humour rising high against the court in the lower house, the king dissolved the parliament.

This year Toby Mathew, archbishop of York, departed this life, and was succeeded by Montaign.

Before the breaking up of the parliament, one Leighton, a Scotchman, and doctor of physic, dedicated a scandalous book to the two houses, entituled, "Sion's Plea." In this frantic performance he solicits his patrons to "kill all the bishops, and smite them under the fifth rib." His manners to the queen are of the same extraordinary rudeness: for he salutes her majesty in no better language than that of an idolatress, a Canaanite, and a daughter of Heth. For these coarse liberties he was taken up, brought into the Star-chamber, and sentenced to have his ears cropped, his nose slit, his forehead branded, and to be whipped. Between the sentence and the execution, he made his escape out of the Fleet; but was seized in Bedfordshire, and suffered the punishment¹.

¹ The punishment of this Leighton has frequently been called unjustifiably severe; but surely his conduct was criminal and offensive in the highest degree, and perhaps deserved still worse treatment.

Idem.
March 10,
A.D. 1628-9.
The parliament dissolved.

Leighton's scandalous pamphlet.

A. D. 1629.

Cyprian.
Anglic.

Laud, who had now the ascendant at court, being sensible the discipline and revenues of the Church were mismanaged, and out of order, was intent in projecting a remedy. To this purpose he consulted Harsenet, who succeeded Montaign in the see of York: these two prelates threw their scheme into ten articles, and presented them to the king. This draught was signed by his majesty, and published under the title of his “Instructions to the Most Reverend Father in God, George, Lord Archbishop of Canterbury, containing certain Orders to be observed and put in execution by the several Bishops in his Province.” The instructions are these following:

CHARLES
1.

“ CHARLES REX.

“ I. That the lords the bishops be commanded to their several sees, there to keep residence; excepting those which are at necessary attendance on the court.

*The king's
instructions
to the arch-
bishop of
Canterbury,
&c.*

“ II. That none of them reside upon his land or lease that he hath purchased, nor on his commendam, if he hold any; but in one of his episcopal houses, if he have any such: and that he waste not the woods where any are left.

“ III. That they give charge in their triennial visitation, and at other convenient times, both by themselves and their archdeacons. That the declaration for settling all questions in difference, be strictly observed by all parties.

“ IV. That there be a special care taken by them all, that their ordinations be solemn, and not of unworthy persons.

“ V. That they take great care concerning the lecturers in their several dioceses, for whom we give these special directions following:—

“ 1. That in all parishes the afternoon sermons be turned into catechizing by question and answer, where and whensoever there is not some great cause apparent to break this ancient and profitable order.

“ 2. That every bishop ordain in his diocese; that every lecturer do read divine service according to the Liturgy, printed by authority, in his surplice, and before the lecture.

“ 3. That where a lecture is set up in a market-town, it may be read by a company of grave and orthodox divines near adjoining, and in the same diocese, and that they preach in gowns, and not in cloaks, as too many do.

ABBOT,
Abp. Cant.

“ 4. That if any corporation do maintain a single lecturer, he be not suffered to preach till he profess his willingness to take upon him a living with cure of souls within that incorporation, and that he do actually take such benefice or cure, so soon as the same shall fairly be procured for him.

“ VI. That the bishops do encourage and countenance the grave and orthodox divines of their clergy, and that they use all means by some of their clergy, or others, that they have knowledge how both lecturers and preachers within their dioceses behave themselves in their sermons, that so they may take order for any abuse accordingly.

“ VII. That the bishops suffer none under noblemen, and men qualified by the law, to have any private chaplain in his house.

749.

“ VIII. That they take especial care that divine service be diligently frequented, as well for the prayers and catechism as sermons; and take particular notice of all such as absent themselves, as recusants or otherwise.

“ IX. That every bishop, who by our grace and favour, and good opinion of his service, shall be nominated by us to another bishopric, shall not from that day of nomination presume to make any lease for three lives, or one-and-twenty years, or concurrent lease, or any way renew any estate, or cut any wood or timber, but merely to receive the rents due, and so quit the place; for we think it a hateful thing that any man's leaving a bishopric should almost undo his successor. And if any man shall presume to break this order, we will refuse him our royal assent, and keep him at the place which he hath so abused.

“ X. And, lastly, we command you to give us an account every year, on the 2nd of January, of the performance of these our commands.”

Bibl. Regia,
sect. 3.
num. 7.

About this time the king sent an order to the lords justices of Ireland for improving the revenues of the Irish clergy: it is in these words:—

“ Right trusty and well-beloved cousins and counsellors, we greet you well:

*The king's
letter to the
lords-justices
of Ireland,
in behalf of
the clergy.*

“ Whereas our late dear father of blessed memory, did (by his instructions for the good and welfare of holy Church in our realm of Ireland,) ordain and command that all such impro-

priate parsonages as were his own inheritance, and held by lease from the crown, ever as the said leases expired, should be thenceforth let to the several curates and ministers of all such churches that were to attend the cure of souls, and from time to time should be incumbent upon the several parsonages, they securing his majesty the rents, duties, and services reserved upon such leases, which order we also, out of our own like zeal to God's glory and advancement of true religion, have likewise heretofore confirmed, by our royal letters of the 8th of July, 1626, all which notwithstanding we are now, to our great displeasure informed, that since the giving of our said father's letters and our own, sundry leases of tithes, upon expiration, surrender, or otherwise, have been again let to laymen, and not to the incumbents of the said churches, to the wrong of our religion and breach of our commandment; whereof we shall not fail to take account in time convenient: but for your better assurance of such our pious and princely grant unto the Church of that our realm in time to come, we have thought good to declare, and by these our letters do declare unto you, that our princely will and pleasure is, for us, our heirs and successors, to give and grant the reversion of all such reservations only as formerly have been expressed irrevocably unto Almighty God, and to the particular churches within that our kingdom, unto which such tithes did anciently belong, and to the several incumbents which shall happen to be in the said churches when such leases shall expire or otherwise be determined, and to their successors for ever, giving hereby the several incumbents and their successors, which shall be when it shall happen the said leases to expire or otherwise to determine, full power to enter into possession of the whole tithes, paying only unto us, our heirs and successors, such rents, duties, and service as are now payable out of the same respectively; and charging our officers of our exchequer in that kingdom, to receive the same in such manner and form as now they are received, without any further charge or exaction upon the said incumbents. And for the effecting this our godly purpose and princely donation, we do hereby authorize and require you, that upon the sight hereof, you, by the advice of our learned council there, do forthwith make out, under the great seal of that our kingdom, such grant and grants as shall be necessary and requisite for the settling and

CHARLES
I.

ABBOT,
Abp. Cant.

establishing of all such impropriate benefices upon the corporation of Dublin or Londonderry, within that our kingdom, as shall be most convenient and available for the Church, to the use of the said incumbents, and their successors for ever. And our further express will and pleasure is, that whensoever it shall happen the said leases, or any of them now in being do determine, you our justices for the time being, or other deputy, chief governor or governors that shall be hereafter, shall hereby be enabled to present the then incumbent unto the same church, by the title of the full rectory thereof, as unto other churches of our patronage, reserving as aforesaid the rents, duties, and service formerly reserved unto us. And these our letters, &c.

Paper-office.

“Dated at Westminster the 30th of Jan., 1629.”

And thus the impropriations remaining in the crown were returned to the parochial clergy. The occasion was this: Usher, lord primate of Armagh, being sensible of the ill condition of the Church for want of a competent maintenance for the clergy, solicited Laud to move his majesty for a grant of his impropriations; for this purpose Laud acquainted the lord treasurer and the chancellor of the exchequer with this motion. In fine, after a long debate, the king was pleased, at Laud's request, to pass the grant in the form above-mentioned.

Mulsap. 26.

Hist. of
Archbishop
Laud's
Troubles,
&c. p. 297.

The Irish Roman Catholics being somewhat too sanguine in their expectations, and hoping the necessities of the government would force the king to close with their proposal, and grant them a toleration; upon this prospect they overdrove their business, and had the courage to set up some religious houses in Dublin: besides this large step, friars appeared openly in their habits, and gave a public affront to the mayor and archbishop. His majesty receiving advice, despatched an order to the privy council in Ireland, “that the house where the seminary friars appeared in their habits and affronted the archbishop and mayor, should be speedily demolished, and made a mark of terror to the resisters of authority: and that the rest of the houses employed there, or elsewhere, to the use of superstitious societies, should be converted to houses of correction, and to set people on work, or to other public uses for the advancement of justice, or good arts, or trade.

Jan. 21,
A.D. 1629.

Biblioth.
Regia.
750.

At this time the interest of the Reformation was but low in Ireland, as appears by the account Dr. Beadle, bishop elect of

Kilmore, transmitted to Laud: Beadle, at the instance of this bishop of London, acquainted him that the popish clergy were more numerous than those of the Church of England; that they had their officials and vicars-general for ecclesiastical jurisdiction, and were so hardy as to excommunicate those who appeared at the courts of the Protestant bishops; that almost every parish had priests of the Roman communion; that masses were sometimes said in churches; that excepting a few British planters, not amounting to the tenth part of the people, the rest were all declared recusants; that in each diocese there were about seven or eight of the reformed clergy sufficiently qualified; but these being English, and not understanding the language of the natives, they could neither perform divine service, nor converse with their parishioners to advantage; and by consequence were in no condition to put a stop to superstition. By the way, the reader is to observe, that this relation of bishop Beadle refers only to the two dioceses of Kilmore and Ardagh.

CHARLES I.
The condition of some part of Ireland, with respect to religion.

April, A. D. 1630.

Upon the death of William lord Herbert, earl of Pembroke, Laud was chosen chancellor of Oxford; which, besides other instances of service, gave him an opportunity of reforming the statutes of that university.

The next remarkable occurrence is the birth of prince Charles, afterwards king Charles II.

To go back a little: in Lent this spring, Davenant, bishop of Sarum, preaching before the king, happened to touch upon the Quinquarticular controversy. The king, displeased with his handling this prohibited argument, ordered him to appear before the lords of the council. Here Harsnet, archbishop of York, put Davenant in mind of his obligations to the king, dilated upon the contempt of his majesty's late declaration, and heightened the charge with smartness enough. The bishop of Sarum's text was taken out of Romans vi. 23: "Eternal life is the gift of God through Jesus Christ our Lord." The third head of his sermon was, "that the godly are happy in the manner of their reward, because the eternal life bestowed upon them was, *donum gratuitum*, or free and unmerited bounty." From this proposition he considered life eternal under three respects; "that is, in the eternal destination thereof, which we call election." This being the passage which gave offence, the bishop's apology was, "that the doctrine of predestination

May 29, 1630.
Bishop Davenant preaches upon the Quinquarticular controversy at court, and gives great offence.

ABBOT,
Abp. Cant.

*His defence
at the coun-
cil-board.*

was not forbidden by the king's declaration. This he endeavoured to prove :—

“ First, Because in the declaration all the Nine-and-thirty Articles are established ; amongst which, that of predestination is one.

Secondly, Because all ministers are urged to subscribe the truth of the article, and all subjects to continue in the profession, as well as of the rest.”

From these grounds he inferred predestination could not be reckoned amongst curious and forbidden doctrines. And here, desiring the declaration might be produced, he appealed to it for the inoffensiveness of his conduct. The lords of the council neither produced the declaration, nor charged his discourse with heterodoxy : they thought it sufficient to tell him it was his majesty's pleasure these mysterious questions should not be debated ; and that silence in these points was the best expedient to secure the peace of the Church. To this the bishop replied, “ he was sorry he misunderstood his majesty's mind ; that had he been better informed, he would not have dipped in the controversy, but treated an unexceptionable argument ; and that for the future he should govern himself accordingly.” Upon this he was dismissed without further trouble, and afterwards admitted to kiss the king's hand ; who told him this doctrine of predestination was too big for the people's understanding, and therefore he was resolved not to give leave for discussing this controversy in the pulpit, and that the preachers' insisting on reformation and good life would be much more serviceable to the audience. Bishop Davenant promised obedience, and took his leave.

Bishop
Davenant's
Letter to
Dr. Ward.
Fuller's
Ch. Hist.

*This contro-
versy revived
at Oxford.*

In the beginning of the next year this controversy was revived at Oxford. Hill, of Hart-hall ; Hodges, of Exeter-college ; Thorn, of Balliol-college ; and Ford, of Magdalen-hall, preached warmly at St. Mary's against the Remonstrant opinions, called those of that persuasion Pelagians and Semi Pelagians, and fell foul on his majesty's declaration. For this misbehaviour they were convented before Dr. Smith, warden of Wadham, then vice-chancellor. They appealed from the vice-chancellor to the proctors ; Bruch, of Brazennose-college, and Doughty, of Merton. The appeal being received, the vice-chancellor complained to his majesty, then at Woodstock, where the matter was heard before the king and council. As

August 23,
A. D. 1631.

for Hill, he had sometime before procured his pardon upon his submission in the convocation. The other three were, by an order of the council-board, expelled the university: the proctors for receiving their appeals, *contra formam statuti*, were sentenced to resign their office in the convocation-house; and Dr. Prideaux, rector of Exeter-college, and Dr. Wilkison, principal of Magdalen-hall, were reprimanded for abetting those preachers. Hodges afterward recanted publicly in St. Mary's, but Ford refused to give that satisfaction.

CHARLES I.
Wood, Hist. et Antiquit. Univers. Oxon.
Annals of King Charles I.'s Reign.
Archbishop Laud's Diary.

This year, Usher, lord primate of Ireland, published his "History of Gotteschaleus." In this tract he undertook Vossius, in some measure upon the Pelagian controversy; and here his pen ran out a little in defence of the predestinarian scheme. Not long before, Downham, bishop of Derry, published a discourse concerning perseverance: in this performance there were some passages that clashed directly with the king's declaration. Usher's book being written in Latin, did less disservice; and besides, some regard was shewn to the eminence of his station. However, to make the primate sensible of the king's displeasure, he was commanded to call in Downham's book, but his majesty's letters not coming to Usher's hands till the middle of October, most of the copies were dispersed and out of reach. However, for preventing these prohibited sallies, Beadle, bishop of Kilmore, was ordered to overlook the press, and keep it inoffensive.

And in Ireland.

August 24.

This year Laud set forward the repairing St. Paul's: somewhat had been done in the two late reigns to recover it from the lamentable condition it was reduced to by the fire which happened in the beginning of queen Elizabeth's government. Laud had no difficulty to dispose the king for encouraging so pious a work: in short, a commission was issued under the broad seal, to the archbishop of Canterbury, to the lord-keeper, to the bishops of London, Winchester, and Ely, to sir Robert Ducey, lord mayor of London, and several others. The purport was, that all monies brought in for the repair of this cathedral should be paid to the chamber of London. That a register should be kept of all subscriptions for contribution. That the judges of the prerogative court, and all bishops' officials in England and Wales, should be put in mind to remember this Church, and set aside some part of the goods of intestate persons, proper for pious uses. And, lastly, commissions

The repair of St. Paul's.

751.

ABBOT,
Abp. Cant.

of the like nature were to be issued through the whole kingdom.

To break a little into the order of time, and dispatch this matter at once. Before the year 1640, the contributions brought into the chamber of London amounted to 113,000*l.* and upwards. By these large supplies of money (of which the king sent in more than 10,000*l.*), the whole body of the church was finished, and the steeple scaffolded to the top. The design was to take down the tower to the arches, and rebuild it to a more magnificent height. There was likewise a stately portico built at the west end of the church. It was supported with pillars of the Corinthian order, and embellished with the statues of king James and king Charles. But the rebuilding the spire, and finishing the projected decorations, miscarried by the misfortune of bishop Laud, and the breaking out of the rebellion¹.

A.D. 1632.

Upon the death of archbishop Harsnet, Neile was translated from Winchester to York; Curle was translated from Bath and Wells to Winchester; Pierce from Peterborough to Bath and Wells; and Dr. Austin Lyndsell, dean of Lichfield, was made bishop of Peterborough.

Mr. Francis Windebank, now secretary of state by Laud's interest, offered two proposals to the privy-council at the instance of this prelate. The one related to the state of religion in foreign factories and regiments; the other suggested a regulation of the Dutch and French Churches in London and elsewhere in England.

With reference to the first proposal, we are to observe, the English factory at Hamburgh, though allowed the privilege of their own Church constitution, deserted to the Geneva discipline and worship. They omitted reading the Common Prayer, and managed their Church affairs upon Calvin's plan of elders and deacons.

Cyprian.
Anglic.
p. 232.

But most of those English who traded, or settled in Holland, fell short of the liberties at Hamburgh, and were obliged to conform to the religion of the State. To set this matter in a fuller light, I shall give the reader the petition of the

¹ Inigo Jones was appointed to superintend the restoration of the old cathedral, and the repairs were carried on for many years; but the building was so ruined by the great fire, 1666, that sir Christopher Wren found it necessary to begin the work *de novo*, in 1675.

English ministers of the Low Countries. It was presented to CHARLES
the late king in the year 1624. The address stands thus :— I.

“MAY IT PLEASE YOUR EXCELLENT MAJESTY,

“We, your highness’s humble subjects, the preachers of the holy Gospel residing in the United Provinces, having to our unspeakable comfort and joy tasted of your royal favour and grace above three years since, in the princely approbation of the present remedy then tendered, for redress of all enormities amongst us ; as also having observed and felt the blessed and admirable fruit ensuing upon the same, to the displacing divers scandalous persons, and settling men more worthy in ; and in an uniform and prosperous proceeding in all Christian consent with the Churches with whom we live ; and due contentment to those higher powers under whom we here administer all that we undertake. And being now lately reassembled to the same happy ends and purposes, notice being given of your majesty’s pleasure by your majesty’s ambassador, either to set over us a moderator of your majesty’s choosing, to be inspector in the ordering our affairs, or presently to surcease all further proceedings ; we fell to deliberate how to discharge ourselves in this particular, so as we might be free from offence to God, disloyalty to your majesty, and undutifulness to our present governors. And perceiving (to our utmost apprehension) two things only, to offer themselves unto us in your majesty’s order, viz., either obedience to your majesty’s motion for nomination of a moderator, or else surceasing all further synodal proceedings. And withal, finding the difficulty of the first, we have done our best to satisfy your majesty’s will in the second, till we may understand your majesty’s further pleasure ; which good pleasure of your majesty, that it may be happy to us, and our after proceedings in this respect, according to our hopes and humble desires, we have thought it our duty, by information to your majesty of the inconvenience of both these, and of the worthy benefit and advantage of our former course, both to our persons and to the cause, most humbly to entreat your majesty’s favour for the continuance and approbation of the same ; it being (in our judgments) the only safe way to give satisfaction both to God and your majesty, and to the state wherein we live.

Paper-office.
*The petition
of the Eng-
lish minis-
ters in the
Low Coun-
tries.*

“The first being such as neither admits safely to attempt. nor

ABBOT,
Abp. Cant.

possibility to attain the same ; because our primary and fundamental liberty of erecting this ecclesiastical form of government was limited expressly unto us both in the supplication of the deputies of the synod of South Holland, who petitioned it, and in the act of the illustrious lords, who granted it only with condition of plenary and entire conformity to the Churches of these provinces, according to the example of the Walloon Churches, strangers as we are ; which said liberty we having also embraced and subscribed accordingly, cannot without disloyalty, or breach of fidelity, revoke or alter during our abode and residence in these parts. As also because the ministry of the Churches, who rejoiced in our unanimity with them before, were greatly grieved at the first hearing of this command ; as importing such mutation as carries with it insupportable miseries and mischief in this state ; as by lamentable experience they have too lately found, that cannot yet be forgotten. So that the said ministers do judge it more expedient for the safety of their Churches, to suffer both ourselves and our Churches wholly to dissolve and annihilate, than that a course so strange to them should arise and take place amongst them. Which dissolution, how easily and quickly they may effect with the lords of the States, is evident to all who please to know that every English and Scottish Church in these parts (two only excepted) have their whole dependence, maintenance, and being in all respects upon the said lords, the States, their favour and supportation. And farther, because the suspicion and fear of some such thing as now appeareth hath withholden from us (and that by the consent, countenance, and support of some principal assemblies) some of our reverend and beloved brethren, and hath caused others to stagger, whose communion, as we much desire, so we nothing doubt of, if it may please your majesty to relieve us in this particular ; for otherwise, if the fear thereof could be so forcible to work in them this disaffection towards us, what great evil may we justly fear the acceptance thereof will produce, being such as is aforesaid.

752.

“ The second, to wit, our total dissolution, is such as cannot fall either without apparent and undeniable attain of ourselves in the point of ingratitude and disregard, both of your majesty’s favour in approving, and the States in yielding us our liberties thus far enjoyed ; or of an inexcusable imputation of impiety against God in the neglect of his Church under our oversight.

Seeing thereupon a ruin of former order, and the confusions CHARLES
I. (now in a good measure removed) will assuredly re-enter. And further, it cannot be without the neglect and contempt of your majesty's subjects, both ministers and people, in these provinces, whose honour and estimation began to grow great and firm by this blessed band of union unto them, and communion with them in these ecclesiastical orders (the chief, both colonels and other officers amongst your majesty's subjects in these parts concurring in our meetings by their personal presence, and by their deputies; and so receiving from and giving countenance to our course interchangeably); which must now needs fade and consume in our disunion from them. And therefore we have thought best, humbly to present to your majesty that which (in our judgments) can only subsist, being such as we take to be most free from all offence, and most fit to give content to all sides; both because it is well known to be most acceptable to this State, and most profitable for their Churches. And also because by ourselves it is the more comfortably embraced, in respect it is wholly harmless to the Churches in your majesty's dominions, because of our public declaration, and irrevocable protestation in the accepting thereof, of our integrity towards them, acknowledging in our souls and consciences that we have, and shall (by God's grace) ever esteem them as the true Churches of Christ, precious in his sight, with ourselves resolving still to hold communion with them, notwithstanding any difference of external order. This different practice being undertaken by us without any disrespect, censure, prejudice, separation, or condemnation of the said Churches: reserving to them all due reverence, and perpetually praying for and procuring (to our uttermost) their happiness and welfare with our own.

“And farther; we have found our poor essays and beginnings in this course to be seconded from heaven, with a rich and happy success in these few sessions we have holden, that the rooting which it hath taken cannot be torn up again without danger of the spoil of this work of reformation which the Lord has begun here in the Churches amongst us. Which causes, most gracious sovereign, besides a multitude more of unavoidable inconveniences ensuing upon the least alteration in our settled proceedings, we most humbly make tender of that to your majesty, which Almighty God (we doubt not) hath put into our hearts, viz., that it would please your high-

ABBOT,
Abp. Cant.

ness, of your especial grace, not only to permit our comfortable proceeding in our former course, but also to encourage and countenance us therein by your majesty's royal favour. And to this our humble and dutiful desire, we are the more hopefully heartened by calling to mind your majesty's public opinion touching the equal power and freedom of all princes and potentates in the external order and disposition of Church-discipline within their particular territories; and also because your majesty is the only man whom the world may, and these lords do, profess and bless, as the most honourable instrument of quenching the consuming fires of schism which were lately kindled amongst them by the Vorstian and Arminian faction; which apparently will be more dangerously revived now again by this change between ourselves and the Dutch and French Churches, with whom we converse, to the infamy and obloquy both of our persons and all our precedent actions, and the exposing of ourselves and our congregations to the aforesaid perils, either of plenary dissolution, or such grievous vexation as we should not be able to endure: being thereby left destitute of all comfortable order and government, and the laudable means to make our lawful proceedings known so far as the French and Dutch do, when they are required by their superiors, and as we have done, and are ready still to do, by their example.

"Wherefore, most mighty king, we, your majesty's subjects, do here prostrate ourselves in the person of this our brother, Mr. John Forbes, whom in all duty we send from amongst ourselves to your majesty, beseeching your grace to shine now again, and for ever upon us, to the renewing of our happy hopes, the refreshing of our grieved hearts, and the rejoicing of all with whom we converse, who jointly with us shall ever praise the God of heaven for your majesty's experienced favours past, and these at this present thus humbly desired; and shall pray together with us for all increase and accumulation of all honourable felicities upon your majesty's soul and body, crown and posterity, for ever and ever.

"Your majesty's humble and obedient subjects,

"THOS. BARKLEY, preses.

"THOS. SCOT, scribe in name, and at the command of the rest of the synod."

What answer these ministers received to their petition, I have not met with; but by the scheme bishop Laud offered this year to the privy-council, for regulating divine service in the English factories and troops abroad; from this scheme, I say, it is pretty plain the English clergy in Holland were connived at both by the late king and his present majesty, and suffered to act in synods by their own inclination, and manage to the latitude of their petition.

Laud's draught for a regulation of these matters is digested into ten articles.

"First. The colonels of English regiments in the Low Countries should entertain no clergy as preachers to their regiments, but such as should entirely conform to the Church of England, being first recommended by the lords of the privy-council, with the advice of the archbishops of Canterbury and York.

Bishop Laud's suggestions to the privy-council for securing conformity to the Church amongst the English beyond sea.

753.

"Secondly. That the merchants residing there, or in any other foreign dominions, shall admit no minister as preacher to their company, but such as shall be qualified and recommended as aforesaid.

"Thirdly. That if any clergyman has made use of any indirect means to procure such a recommendation, and proves afterwards a Dissenter, he might be obliged either to conform within three months, or be discharged.

"Fourthly. [The fourth article, except that it obliges the Scotch clergy officiating in factories, and regiments beyond sea, to the same length of conformity, is coincident with the first.]

"Fifthly. That if any minister or preacher, being the king's born subject, should print, preach, or discourse, to the disparagement of the doctrine or discipline of the Church of England, notice should be given to the ambassador, and by him to his majesty, that the person offending might be sent for home, and answer for his misbehaviour.

"Sixthly. That no colonel or deputy-governor should permit the preacher (when sick, or necessarily absent) to substitute any person to preach or officiate for him, but such for whose conformity he will be answerable.

"Seventhly. That no deputy-governor should be sent to Delph, or any other place of residence for the English

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merchants, but such as would engage to see the service of the Church of England exactly performed within the factory.

“ Eighthly. That as often as the merchants shall renew their patents, a clause for observing these instructions (or at least so many of them as should seem necessary to the lords of the privy-council) may be inserted.

“ Ninthly. That all his majesty’s agents beyond sea may have these instructions given them in charge, and be obliged once a year to give the board an account of the success of this affair.

“ Tenthly. That the English ministers in Holland, being his majesty’s natural born subjects, may not be permitted to hold any classical meetings, but especially not to ordain ; for unless they should be restrained from this last branch of ecclesiastical authority, there would be a standing nursery for schism and faction, which might sensibly affect the repose of this kingdom.”

Comp p. 94.

Cyprian.
Anglic.
p. 232.

Thus far with respect to factories and foreign parts. As to the French and Dutch Churches in England, Laud’s suggestions to the privy-council went upon other heads.

*His scheme
for regu-
lating the
Dutch and
French
Churches in
England.*

“ First, He set forth the great piety and compassion of this government in entertaining foreigners when persecuted at home, and indulging them the liberty of their own religion. Secondly, That it was never the intention of the government, that after the first generation was worn out, their posterity, born subjects of this realm, should continue in their ancestors’ separation from the English Church. That such a distinct communion must of course make them disaffected to the state, and apt to promote, or fall in with, any change more suitable to their humour. He observed, Thirdly, That they kept themselves a separate body, and intermarried only within themselves ; that by this particular management, as they are now a Church within a Church, they might in a little time grow up to a commonwealth within a kingdom. Fourthly, That these foreign bodies, thus divided from Church and State, are for the most part settled in port towns next to France and the Low Countries, which may tempt them to strike in with an emergency, and make an unserviceable use of such a situation. Fifthly, That the example of such an indulgence makes an ill

impression on the English, and confirms them in their stubbornness and nonconformity. And therefore, Sixthly, That ^{I.} neither the French nor Dutch Churches should be tolerated in this kingdom, unless the English residing in foreign parts have the same liberty in doctrine, discipline, and worship."

The dangers and inconveniencies being thus set forth, the *See p. 96.* bishop proceeds to the remedies.

" And, First, He moves that the number of these foreigners planted in this kingdom may be exactly computed, in order to judge the better of the practicableness of bringing them to conformity. Secondly, That for this purpose an order may be issued by the government to take an exact list of them in their respective abodes: and that a certificate may be returned of those of most interest and substance amongst them. Thirdly, Provided they resolve to continue a separate body both from Church and State, they should then lie under the common disadvantage of strangers, have all duties doubled upon them, and not be capable of the privileges of natives. Fourthly, That when it shall be thought proper to bring them to the same condition with other subjects, they should be warned in an ecclesiastical way to frequent their parish churches, and conform themselves to the service and worship established: and, in case of noncompliance, to proceed against them by excommunication, and serve the writ *excommunicato capiendo* upon them."

Idem.

And to lay this matter more together, though happening at some distance of time, I shall observe, that about three years forward, when Laud was translated to Canterbury, he practised some part of these suggestions both in his diocese and province. For instance: his vicar-general made the following regulation for those foreign Churches at Canterbury, Sandwich, and Maidstone; and the same thing was done at Southampton and Norwich. This act, or order, was published by their own ministers in their congregations.

" I am commanded to signify unto you, that it is not his majesty's intent, nor that of the council of state, to dissolve our congregations. And to that end his majesty is content to permit the natives of the first degree to continue members of

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our congregations, as before : but the natives in this Church, after the first descent, are enjoined to obey my lord archbishop's injunction ; which is to conform themselves to the English discipline and Liturgy, every one in his parish, without inhibiting them notwithstanding from resorting sometimes to our assemblies. And my lord archbishop of Canterbury means, notwithstanding, that the said natives shall continue to contribute to the maintenace of the ministry and poor of this Church, for the better subsisting thereof ; and promiseth to obtain an order from the council, if need be, and they require it, to maintain them in their manufactures against those that would trouble them by informations.

Hist. of
the Trou-
bles of
Archbishop
Land, p. 166.
754.

That queen Elizabeth kept these foreigners under a restraint, and allowed them only the English Liturgy in their own language, appears by a letter signed by her majesty to the lord treasurer Pawlet.

Queen Eli-
zabeth's
letter for
regulating
foreign
Churches in
England.

“ ELIZABETH.

“ Right trusty and right well-beloved cousin, we greet you well. Whereas in the time of our brother, and sister also, the church of the Augustine Friars was appointed to the use of all the strangers repairing to the city of London, for to have therein Divine service ; considering that by an universal order all the rest of the churches have the Divine service in the English tongue for the better edifying of the people, which the strangers born understand not. Our pleasure is, that you shall assign and deliver the said church, and all things thereto belonging, to the reverend father in God the bishop of London, to be appointed to such curates and ministers as he shall think good, to serve from time to time in the same churches, both for daily Divine service, and for administration of the sacraments, and preaching of the Gospel ; so as no rite nor use be therein observed contrary or derogatory to our laws. And these our letters shall be your sufficient warrant and discharge in that behalf. Given under our signet, at our palace at Westminster, the . . . day of February, the second year of our reign.”

Ibid.

Fooffees con-
stituted by
the Puritans
for buying in

In the latter end of this year, the feoffees for buying impropriations, were broken, and received judgment in the Exchequer-chamber. To begin the narrative of this matter : about

six years since, when Preston was at the head of the Puritans, a project was formed by that party to set up lectures with the encouragement of a maintenance in market-towns. To this purpose certain feoffees were constituted in trust for purchasing such impropriations as were remaining in the hands of the laity: their business, as they said, was to set up a constant preaching ministry: and, to make the scheme practicable, they formed themselves into a kind of corporation; they formed themselves, I say, for they had neither any act of parliament, nor the king's letters-patent, for their warrant. The names of the feoffees were these: William Gouge, Richard Sibbs, C. Offspring, T. Davenport, doctors in divinity; Ralph Eyre, S. Brown, barristers of Lincoln's-inn; C. Sherland, barrister of Gray's-inn; John Geering, Richard Davis, George Harwood, Francis Bridges, citizens. To these Rowland Heylin, alderman of London, was afterwards added, as treasurer, for the convenience of a casting voice.

This design being well solicited, and having a strong appearance of piety, answered expectation; and thus great sums of money were raised in a short time. But notwithstanding these specious colours, there lay a snake in the grass: for after all, this extraordinary zeal and expence was only to strengthen the interest of the Dissenters, to bring in the Geneva discipline, and raise a battery against the Church. That this remark is no excess of censure, may appear by considering, First, That these feoffees were men of known disaffection to the established discipline.

*Remarks
upon this
settlement.*

Secondly, Their way of management is a plain indication of their intentions; for the impropriations purchased by them were not annexed to the churches or chapels to which they originally belonged: had this been done, the business had been commendable, and clear from suspicion: but this they knew was the wrong way to serve the cause. Instead, therefore, of rescuing the parochial clergy from the hardships they suffered, they parcelled out the purchased impropriations into pensions of forty or fifty pounds per annum. With these salaries they subsisted lecturers in market-towns. In these places people have commonly most leisure, and by consequence are further disposed to receive impressions from the pulpit, and give into singularities. For when leisure has not a counter-

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balance of knowledge and judgment, it proves a temptation to run after novelties, and is a dangerous circumstance.

Thirdly, The views these feoffees went upon, may be further discovered by the persons they made choice of. Now these were generally Nonconformists, and sometimes such as had been silenced by their ordinary, or the High Commission, of which there are several instances, too long to insert.

Heylin.
Examen
Historicum,
p. 210.

Fourthly, The same collection may be made from the precariousness of the salaries; for these pensions were arbitrary favours, revocable at pleasure; and the lecturers had no interest in them during life, or for term of years. They were altogether on their good behaviour, and hung entirely upon the humour of their patrons. And thus if they happened to disappoint the feoffees in their principles, if they managed languidly in the cause, and abated of their first fervour, the pensions were withdrawn, and the men discharged.

See Hist. of
the Trou-
bles, &c. of
Archbishop
Laud, p. 373.

From these observations, it is pretty plain that this scheme had no friendly aspect either upon Church or State: for those who were schismatical, with respect to the first society, were commonly disaffected to the other. To what has been remarked, may be added, that to tie the lecturers faster to the leading men in this new corporation, they allowed private pensions to those who had been silenced or suspended in the ecclesiastical courts; and afterwards furnished somewhat of a maintenance to their wives and children after their death. These were powerful motives to engage the dissenting preachers to their patrons' fancy, and make them "speak smooth things." And thus, by drawing off their audience from the Church, and reinforcing the faction, the elections were commonly swayed the wrong way in corporations, and malcontents returned to parliament. For these reasons the feoffees were prosecuted by attorney-general Noy. The feoffment was cancelled in the Court of Exchequer, the impropriations purchased confiscated to his majesty's use, and the penalties they had incurred referred to farther consideration. Upon the feoffees receiving sentence in the Exchequer-chamber, archbishop Laud makes this remark in his Diary: "These feoffees," says he, "were the main instruments for the Puritan faction to undo the Church."

*It is broken
by a sentence
in the Ex-
chequer.
February,
A. D. 1632-3.*

Archbishop
Laud's
Diary, p. 47.

The next year the king went a progress into Scotland: the

design of his journey, besides the solemnity of a coronation, CHARLES
1. was to reconcile that nation further to the English Church, and make way for the settlement of the Liturgy. To introduce this conformity in both kingdoms, some preparatory measures had been taken in the late reign. For, in the year 1617, king James gave order the English service should be read daily at the chapel royal in Holyrood-house. And, pursuant to the general assembly at Aberdeen, commissioners were appointed to draw up a book of Common Prayer for Scotland. This book, when finished, was sent up to the king by archbishop Spotswood, carefully perused by his majesty, and afterwards reviewed by some Scotch bishops at the English court. And having passed this test, and received the last improvement, the king returned it to the Scotch bishops, who were to recommend it to the use of their own Church. But this prince being embroiled in a war with the house of Austria, and dying not long after, the business had no success. His son, king Charles, equally embarrassed at his accession to the throne, was for the first four years in no condition to revive the undertaking; but after the peace with France, being somewhat more at liberty, he reminded the Scotch bishops of their duty, and ordered them to solicit this affair with the utmost application. Upon this they dispatched Maxwell, a preacher at Edinburgh, to the English court. This gentleman applying to Laud, bishop of London, received the following answer, "That if his majesty would have a Liturgy settled there different from what they had already, it was best to take the English Liturgy without any variation from it; so that the same service-book might pass through all his majesty's dominions." To this Maxwell replied, "That the Scotch would be better pleased to have a Liturgy of their own, but such a one as should come near the English, both in form and matter." In short, the cause was brought before the king, who having considered the arguments of each party, declared for the English book. The main reason urged by the Scotch bishops was, "That a Liturgy made by themselves, and in some things different from the English service, would be most acceptable to their countrymen, whom they found very jealous of the least dependence on the Church of England." And thus the matter rested till this present year. 755.

*Some means
taken in the
late reign
for settling
the liturgy in
Scotland.*

*This design
revived.*

A.D. 1633.

*See p. 81.
Cyprian.
Anglic.*

By the way, the Scots of the Kirk party, who, either out of

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Abp. Cant.

*The Kirk
party ap-
point private
fasts.*

opinion or interest, were unfriendly to the hierarchy, had lately some opportunities to work their purpose. It had been the manner of the Presbyterian ministers, for some time past, to keep a fast on the first Sunday of every quarter; and here to lie under shelter, and guard against the laws, they took the precaution not to give any public notice of these humiliations; their method was only to give some private intimation to those of their flock they could confide in. Upon the fasting days they used to declaim against episcopacy, and give broad innuendoes of the danger the Reformation lay under from this establishment. And to drive this doctrine deeper into the audience, part of their prayer was for relief against this grievance, and for a blessing upon all good means which Providence should suggest for that end. These were popular topics, and improved their interest with the burghers and peasantry. But that which was more serviceable to the cause, was the coming over of seven or eight of the nobility, who openly declared for them.

Guthrie's
Memoirs,
p. 8. 12.

*A commend-
able custom
touching the
nomination
of bishops
changed in
this reign.*

Another advantage was the want of good understanding amongst the bishops; the new bishops not paying a due regard to those who had lived longer in that order. It was king James's method, when a bishopric fell void, to order the archbishop of St. Andrew's to consult the rest of the prelates for naming three or four for the vacancy. And when the bishops had pitched upon the persons, they laid the list before the king, who made choice of one of them. And thus the elections passing under so serviceable a direction, the men best recommended for life and merit, were generally preferred.

Id. p. 14.
*The new
bishops
manage to
disad-
vantage, and
why.*

But king Charles had the misfortune, as bishop Guthrie reports, to change this commendable custom. In this reign churchmen were preferred to the sees in Scotland by the interest they had at court: now favourites and statesmen are not always the best directors in these affairs. Besides, the young bishops, as Guthrie calls them, not being obliged to the old ones for their promotion, abated of the customary observance, and kept a kind of separate correspondence among themselves. And happening to fall into a close acquaintance with Laud, they put him upon prescribing measures to the old bishops, which were not well taken.

To proceed: the growing discontent among the ministers was another advantage to the Presbyterians. The young

bishops, it seems, treated the inferior clergy with too much loftiness and disregard. The old bishops were inoffensive, and managed this point with discretion. But those of this reign, as this author relates, laid too much stress upon their character, and steered with more sail than ballast. But that which had the most weight in precipitating the Scotch bishops, was the insincerity of the ministers of state. And here the earl of Traquair, lord-treasurer, did them most disservice. It seems he was under some apprehension the prelates intended to work him out of the king's favour, and that they were in a concert to bring Maxwell, bishop of Ross, into his post.

The juncture presenting thus fair for the Presbyterians, they resolved to petition the king for a redress of grievances: one main branch of the remonstrance was a complaint against episcopacy. This instrument, subscribed by the party, was put into the hands of the earl of Rothes, who was privately to present it to the king. According to customary method and form of law, the paper ought to have been given to the clerk-register; but they thought it most advisable to sound the king's inclination in the first place, and not run the risk of a public disappointment. By the event it appears their caution was not ill-grounded; for his majesty, upon reading the petition, commanded the earl of Rothes not to solicit any further. The party receiving this check thought it proper to acquiesce; and thus the remonstrance was dropped for this year.

About ten days after a solemn coronation, the parliament sat. At this session there were several acts passed relating to the Church, which I shall briefly mention. To begin with the act which declares his majesty's sovereign authority over all estates, persons, and causes whatsoever, pursuant to a resembling recognition made in parliament in the year 1606. In the latter part of this statute it is enacted, "that the power of prescribing an habit to churchmen shall remain in his majesty and successors." This provision was a continuing the branch of an act made in the year 1609, which determined with the life of the late king. The passing this statute was regretted by the Presbyterians, who were afraid the English surplice might be forced upon them.

The next act "ratifies and approves all and whatsoever acts and statutes made before, anent the liberty and freedom of the

CHARLES
I.

June 28,
A. D. 1633.

Charles I.
parl. 1.
cap. 3.
*Several acts
relating to
the Church
passed in
the parliament
at
Edinburgh.*

ABBOT, Abp. Cant. true Kirk of God, and religion presently professed within this realm; and ordains the same to stand in their full force and effect as if they were specially mentioned and set down herein."

Id. cap. 4. This act, upon the score of its confirming the privileges of episcopacy, being the present establishment, was a grievance to the Kirk party. The next act makes a provision for securing legacies given to pious uses. The statute sets forth, "that

756. lands and sums of money lately bequeathed to colleges, schools, hospitals, &c., had been mismanaged by the executors and administrators, and applied to uses foreign to the will of the testator."

Id. cap. 6. To proceed: in the act of general revocation or resumption, there is a clause which revokes and rescinds "all grants and infeoffments of erection of abbeycies, or other prelaties, granted by his majesty at any time: and likewise all grants of abbeycies, priories, and nunneries, granted by his majesty's father, or any of his predecessors, provided these abbeycies, &c., were not erected into a temporal barony or lordship, are declared

Id. cap. 8. void and of no effect." By another act, a branch of the statute, made in the year 1587, concerning the annexation of the temporality of benefices to the crown, is confirmed: and here it is further enacted, "that all grants made by his majesty, his father, or his grandmother, queen Mary, of the right and privilege of regality pertaining to whatsoever abbot, prior or prioress, preceptor, or other beneficed person whatsoever, are cassed, annulled, and rescinded." Then follow two provisos:

Id. cap. 13. by the first, "all heritable infeoffments of baileries and stewartries of the said regalities, granted by the said beneficed persons, at any time prior to the date of erections of the said abbeycies and priories into temporal lordships, are secured to the heirs of the first grantees." Secondly, it is further declared, "that these presents shall no ways be extended to the right of regality of whatsoever lands and superiorities pertaining to the archbishops and bishops of this kingdom, by virtue of their gifts and provisions, granted to them or their predecessors thereupon, which shall remain with them unhurt or prejudged by this present act.

Id. cap. 14. The next statute mentions a general commission, dated at Whitehall, January the 17th, 1627, which instrument contains a general surrender "of the superiorities of all lands, baronies, fortalices, manor places, &c., belonging to all abbeycies, prior-

ies, prioresses, preceptories, and all other benefices erected into temporal lordships, baronies, or livings." The instrument, I say, contains a surrender of all these superiorities, and other incidents, emoluments, and profits to the crown, upon some conditions, and with some limitations too long to mention. The statute concludes with this saving proviso, "that no clause therein contained shall be extended to the superiorities of whatsoever lands, baronies, and others, pertaining to whatsoever archbishop, bishop, and their chapters: but that the same shall remain with them and their successors unhurt or unprejudged by this present act."

CHARLES
1.
Id. cap. 14.

Lastly, to mention but one statute more; the act of "Commission of Surrenders and Teinds," dated at Holyrood-house, the 26th day of June, in the year 1627, is ratified and confirmed.

*Teinds or
tithes.*
Id. cap. 8.

By this "Commission of Surrenders," &c., the maintenance of the parochial clergy was somewhat improved, and the heritors or freeholders had the liberty of buying their own tithes: and thus the bulk of the people were made more easy and independent, and rescued from being oppressed by the great men.

However, some of the nobility were displeased with losing their new homage, and parting with their jurisdiction, though exceptionably acquired; and from this time they grew malcontent, and waited an opportunity of revenge upon the crown: though, after all, the king had only consulted the general good of the subject, done nothing but what was equitable in the matter, and legal in the manner: for the surrenders, as has been observed, were confirmed by act of parliament.

*Some of the
nobility dis-
gusted at the
commission
of surren-
ders, &c.*

Before this was done, the king takes notice that many of his subjects of Scotland, particularly the gentry and their tenants, who paid their tithes to the nobility, and other lords of the erection or impropriators, complained loudly that these lords and lay patrons strained the utmost rigour of the law upon them; that they refused to set out their tithes when the owners of the corn desired them; and by their acting perfectly at pleasure in this matter, the owners of the corn not being suffered to take the opportunities of fair weather, oftentimes lost the greatest part of their harvest. Neither was there any remedy in the case; for by the laws of Scotland the landlord can carry off none of the nine parts till the proprietary of the tithes has set out his tenth. This privilege, together with the

ABBOT,
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superiorities of the abbey lands, was a terrible tie upon a great part of the subjects ; and by laying their fortunes thus at the mercy of their patrons, their persons were so too in a great measure.

King's Large
Declaration.

Besides, as his majesty observes, the condition of the ministers was lamentably slender and servile ; for instead of receiving the tithes of the parish, originally settled upon the cure, they had only some poor stipend paid by the lords of the erections ; and this was sometimes left at discretion, and more than they could command : and the clergy by being thus meanly subsisted, fell under the utmost contempt, and lived tied in a scandalous dependence. To disengage the subject from this servitude, the king passed the " Commission of Surrenders of Superiorities and Tithes," and got them confirmed in parliament. With this provision the nobility, and other lay patrons concerned, seemed fully satisfied ; in regard the compensation they received came up to the utmost value of what they relinquished. And as for the heritors and ministers, they were so sensibly obliged with these surrenders, that the first made a public acknowledgment to the king that he had delivered them from an intolerable bondage which themselves and their ancestors had lain under ever since the Reformation. The latter were no less transported with joy, and magnified the king as the founder and protector of their Churches. But notwithstanding the clergy, many of the gentry and heritors had been thus signally relieved ; yet no small number of these men rebelled afterwards upon their sovereign that rescued them, abetted their arbitrary patrons, and seemed to court an ignoble vassalage. And thus, besides making themselves remarkable for their ingratitude, they proved false to their interest, and discovered their treason and their folly at the same time.

To proceed : the king, not unacquainted with the temper of the faction, and perceiving things not disposed for bringing in the liturgy, dropped that business. However, as far as his prerogative would reach, he went on in making provision for the benefit of the Church : for this purpose he erected an episcopal see at Edinburgh. This town lying in the diocese of St. Andrew's, Spotswood, archbishop of that see, was willing to resign part of his profit and jurisdiction to the public interest. And thus the whole county of Lothian, reaching from

*Edinburgh
made a
bishop's see.*

Edinburgh Firth to Berwick, was severed from St. Andrew's, ^{CHARLES I.} and laid to the diocese of Edinburgh. And to subsist the bishop with something towards a competency, part of the lands belonging to the priory of St. Andrew's was purchased of the duke of Lennox by the king, and settled upon this see. Forbes, an exemplary and learned divine, was the first bishop; 757. and the church of St. Giles' assigned for his cathedral. And to complete the establishment, and bring it up to the common regulation, a dean and prebendaries were settled. Laud, Cyprian. bishop of London, attending his majesty to Scotland, being Anglic. sworn privy-councillor for that kingdom, used his interest, as may easily be imagined, for the founding this bishopric. The parliament being dissolved, the king, after having taken a view of some of the principal towns, returned to England, and came to the queen at Greenwich on the 20th of July¹. *The king returns to London.*

¹ The remarks of Hume, on the character and policy of Charles I., in the early part of his reign, are too noticeable to be omitted.

"When we consider," says he, "Charles as presiding in his court, and associating with his family, it is difficult to imagine a character at once more respectable and more amiable. A kind husband, an indulgent father, a gentle master, a steadfast friend; to all these eulogies his conduct in private life fully entitled him. As a monarch too, in the exterior qualities, he excelled; in the essential, he was not defective. His address and manner, though perhaps inclining a little towards stateliness and formality, in the main corresponded to his high rank, and gave grace to that reserve and gravity which were natural to him. The moderation and equity which shone forth in his temper, 'seemed' to secure him against rash and dangerous enterprises: the good sense which he displayed in his discourse and conversation, 'seemed' to warrant his success in every reasonable undertaking. Other endowments likewise he had attained, which in a private gentleman would have been highly ornamental, and which in a great monarch might have proved extremely useful to his people. He was possessed of an excellent taste in all the fine arts, and the love of painting was in some degree his favourite passion. Learned beyond what is common in princes, he was a good judge of writing in others, and enjoyed, himself, no mean talent in composition. In any other age or nation, this monarch had been secure of a prosperous and a happy reign. But the high idea of his own authority which he had imbibed, made him incapable of giving way to the spirit of liberty, which 'began' to prevail among his subjects. His politics were not supported by such vigour and foresight as might enable him to subdue their pretensions, and maintain his prerogative at the high pitch to which it had been raised by his predecessors. And, above all, the spirit of enthusiasm being universally diffused, disappointed all the views of human prudence, and disturbed the operation of every motive which usually influences society.

"But the misfortunes arising from these causes were yet remote. Charles now enjoyed himself in the full exercise of his authority, in a social intercourse with his friends and courtiers, and in a moderate use of those pleasures which he most affected.

"After the death of Buckingham, who had somewhat alienated Charles from the queen, she is to be considered as his chief friend and favourite. That rustic contempt of the fair sex, which James affected, and which, banishing them from his court, made it resemble more a fair or an exchange, than the seat of a great prince, was very wide of the disposition of this monarch. But though full of complaisance to the whole sex, Charles reserved all his passion for his consort, to whom he attached himself with un-

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Abp. Cant.
*The death
and cha-
racter of
archbishop
Abbot.*

On the 4th of August following, Abbot, archbishop of Canterbury, departed this life. To say something of him : he was

shaken fidelity and confidence. By her sense and spirit, as well as by her beauty, she justified the fondness of her husband; though it is allowed, that, being somewhat of a passionate temper, she precipitated him into hasty and imprudent measures. Her religion, likewise, to which she was much addicted, must be regarded as a great misfortune, since it augmented the jealousy which prevailed against the court, and engaged her to procure for the Catholics some indulgences which were generally distasteful to the nation.

"In the former situation of the English government, when the sovereign was in a great measure independent of his subjects, the king chose his ministers either from personal favour, or from an opinion of their abilities, without any regard to their parliamentary interest or talents. It has since been the maxim of princes, wherever popular leaders encroach too much on royal authority, to confer offices on them; in expectation that they will afterwards become more careful not to diminish that power which has become their own. These politics were now embraced by Charles; a sure proof that a secret revolution had happened in the constitution, and had necessitated the prince to adopt new maxims of government. But the views of the king were at this time so repugnant to those of the Puritans, that the leaders, whom he gained, lost from that moment all interest with their party, and were even pursued as traitors with implacable hatred and resentment. This was the case with sir Thomas Wentworth, whom the king created first a baron, then a viscount, and afterwards earl of Strafford; made him president of the council of York, and deputy of Ireland; and regarded him as his chief minister and counsellor. By his eminent talents and abilities, Strafford merited all the confidence which his master reposed in him: his character was stately and austere; more fitted to procure esteem than love: his fidelity to the king was unshaken; but as he now employed all his counsels to support the prerogative, which he had formerly bent all his endeavours to diminish, his virtue seems not to have been entirely pure, but to have been susceptible of strong impressions from private interest and ambition. Sir Dudley Digges was about the same time created master of the rolls: Noy, attorney-general: Littleton, solicitor-general. All these had likewise been parliamentary leaders; and were men eminent in their profession.

"In all ecclesiastical affairs, and even in many civil, Laud, bishop of London, had great influence over the king. This man was virtuous, if severity of manners alone, and abstinence from pleasure, could deserve that name. He was learned, if polemical knowledge could entitle him to that praise. He was disinterested, but with unceasing industry he studied to exalt the priestly and prelatical character which was his own. His zeal was unrelenting in the cause of religion; that is, in imposing, by rigorous measures, his own tenets and pious ceremonies on the obstinate Puritans, who had profanely dared to oppose him. In prosecution of his holy purposes, he overlooked every human consideration; or, in other words, the heat and indiscretion of his temper made him neglect the views of prudence and rules of good manners. He was in this respect happy, that all his enemies were also imagined by him the declared enemies to loyalty and true piety, and that every exercise of his anger, by that means, became in his eyes a merit and a virtue. This was the man who acquired so great an ascendant over Charles, and who led him, by the facility of his temper, into a conduct which proved so fatal to himself and to his kingdoms.

"The humour of the nation ran at that time into the extreme opposite to superstition; and it was with difficulty that the ancient ceremonies to which men had been accustomed, and which had been sanctified by the practice of the first reformers, could be retained in divine service: yet was this the time which Laud chose for the introduction of new ceremonies and observances. Besides that these were sure to displease as innovations, there lay, in the opinion of the public, another very forcible objection against them. Laud, and the other prelates who embraced his measures, were generally well instructed in sacred antiquity, and had adopted many of those religious sentiments which

born at Guildford, in Surrey ; and bred in Baliol-college, Oxon, where, having lived fellow for some time, he was preferred to CHARLES
I.

prevailed during the fourth and fifth centuries ; when the Christian Church, as is well known, was already sunk into those superstitions which were afterwards continued and augmented by the policy of Rome. The revival, therefore, of the ideas and practices of that age, could not fail of giving the English faith and liturgy some resemblance to the Catholic superstition, which the kingdom in general, and the Puritans in particular, held in the greatest horror and detestation. Men also were apt to think, that, without some secret purpose, such insignificant observances would not be imposed with such unremitting zeal on the refractory nation ; and that Laud's scheme was to lead back the English by gradual steps to the religion of their ancestors. They considered not, that the very insignificance of these ceremonies recommended them to the superstitious prelate, and made them appear the more peculiarly sacred and religious, as they could serve to no other purpose. Nor was the resemblance to the Romish ritual any objection, but rather a merit, with Laud and his brethren ; who bore a much greater kindness to the mother-church, as they call her, than to the Sectaries and Presbyterians, and frequently recommended her as a true Christian Church ; an appellation which they refused, or at least scrupled to give to the others. So openly were these tenets espoused, that not only the discontented Puritans believed the Church of England to be relapsing fast into Romish superstition : the court of Rome itself entertained hopes of regaining its authority in this island ; and, in order to forward Laud's supposed good intentions, an offer was twice made him, in private, of a cardinal's hat, which he declined accepting. His answer was, as he says himself, 'that something dwelt within him, which would not suffer his compliance, till Rome were other than it is.'

"A court lady, daughter of the earl of Devonshire, having turned Catholic, was asked by Laud the reason of her conversion. 'Tis chiefly,' said she, 'because I hate to travel in a crowd.' The meaning of this expression being demanded, she replied, 'I perceive your grace and many others are making haste to Rome ; and therefore, in order to prevent my being crowded, I have gone before you.' It must be confessed, that though Laud deserved not the appellation of papist, the genius of his religion was, though in a less degree, the same with that of the Romish : the same profound respect was exacted to the sacerdotal character, the same submission required to the edicts and decrees of synods and councils, the same pomp and ceremony was affected in worship, and the same superstitious regard to days, postures, meats, and vestments. No wonder, therefore, that this prelate was, every where, among the Puritans, regarded with horror, as the forerunner of antichrist.

"As a specimen of the new ceremonies to which Laud sacrificed his own quiet and that of the nation, it may not be amiss to relate those which he was accused of employing in the consecration of St. Catherine's church, and which were the object of such general scandal and offence.

"On the bishop's approach to the west door of the church, a loud voice cried, 'Open, open, ye everlasting doors, that the King of glory may enter in !' Immediately the doors of the church flew open, and the bishop entered. Falling upon his knees, with eyes elevated and arms expanded, he uttered these words : 'This place is holy, the ground is holy : in the name of the Father, Son, and Holy Ghost, I pronounce it holy.'

"Going towards the chancel, he several times took up from the floor some of the dust, and threw it in the air. When he approached, with his attendants, near to the communion-table, he bowed frequently towards it : and on their return, they went round the church, repeating, as they marched along, some of the psalms : and then said a form of prayer, which concluded with these words : 'We consecrate this church, and separate it unto thee as holy ground, not to be profaned any more to common uses.'

"After this, the bishop, standing near the communion-table, solemnly pronounced many imprecations upon such as should afterwards pollute that holy place by musters of soldiers, or keeping in it profane law-courts, or carrying burdens through it. On the

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the mastership of University-college, and afterwards to the deanery of Winchester. His next promotion was the bishop-

conclusion of every curse, he bowed towards the east, and cried, 'Let all the people say, Amen.'

"The imprecations being all so piously finished, there were poured out a number of blessings upon such as had any hand in framing and building that sacred and beautiful edifice, and on such as had given, or should hereafter give to it, any chalices, plate, ornament, or utensils. At every benediction, he in like manner bowed towards the east, and cried, 'Let all the people say, Amen.'

"The sermon followed; after which, the bishop consecrated and administered the sacrament in the following manner:—

"As he approached the communion-table, he made many lowly reverences: and coming up to that part of the table where the bread and wine lay, he bowed seven times. After the reading of many prayers, he approached the sacramental elements, and gently lifted up the corner of the napkin in which the bread was placed. When he beheld the bread, he suddenly let fall the napkin, flew back a step or two, bowed three several times towards the bread; then he drew nigh again, opened the napkin, and bowed as before.

"Next, he laid his hand on the cup, which had a cover upon it, and was filled with wine. He let go the cup, fell back, and bowed thrice towards it. He approached again; and lifting up the cover, peeped into the cup. Seeing the wine, he let fall the cover, started back, and bowed as before. Then he received the sacrament, and gave it to others. And many prayers being said, the solemnity of the consecration ended. The walls and floor and roof of the fabric were then supposed to be sufficiently holy.

"Orders were given, and rigorously insisted on, that the communion-table should be removed from the middle of the area, where it hitherto stood in all churches, except in cathedrals. It was placed at the east end, railed in, and denominated an Altar; as the clergyman who officiated received commonly the appellation of Priest. It is not easy to imagine the discontents excited by this innovation, and the suspicions which it gave rise to.

"The kneeling at the altar, and the using of copes, a species of embroidered vestment, in administering the sacrament, were also known to be great objects of scandal, as being popish practices: but the opposition rather increased than abated the zeal of the prelate for the introduction of these habits and ceremonies.

"All kinds of ornament, especially pictures, were necessary for supporting that mechanical devotion, which was purposed to be raised in this model of religion: but as these had been so much employed by the Church of Rome, and had given rise to so much superstition, or what the Puritans called idolatry; it was impossible to introduce them into English churches, without exciting general murmurs and complaints. But Laud, possessed of present authority, persisted in his purpose, and made several attempts towards acquiring these ornaments. Some of the pictures introduced by him were also found, upon inquiry, to be the very same that might be met with in the mass-book. The crucifix too, that eternal consolation of all pious Catholics, and terror to all sound Protestants, was not forgotten on this occasion.

"It was much remarked, that Sherfield, the recorder of Salisbury, was tried in the Star-chamber, for having broken, contrary to the bishop of Salisbury's express injunctions, a painted window of St. Edmund's church in that city. He boasted, that he had destroyed these monuments of idolatry: but for this effort of his zeal, he was fined five hundred pounds, removed from his office, condemned to make a public acknowledgment, and be bound to his good behaviour.

"Not only such of the clergy as neglected to observe every ceremony were suspended and deprived by the High Commission Court: oaths were, by many of the bishops, imposed on the church-wardens; and they were sworn to inform against any one who acted contrary to the ecclesiastical canons. Such a measure, though practised during

ric of Lichfield. From hence, after a few months, he was translated to London; and from thence, within a year, to 1. CHARLES

the reign of Elizabeth, gave much offence; as resembling too nearly the practice of the Romish inquisition.

"To show the great alienation from the Churches reformed after the Presbyterian model, Laud advised, that the discipline and worship of the Church should be imposed on the English regiments and trading companies abroad. All foreigners of the Dutch and Walloon congregations were commanded to attend the Established Church, and indulgence was granted to none after the children of the first denizens. Scudamore too, the king's ambassador at Paris, had orders to withdraw himself from the communion of the Hugonots. Even men of sense were apt to blame this conduct, not only because it gave offence in England, but because in foreign countries it lost the crown the advantage of being considered as the head and support of the Reformation.

"On pretence of pacifying disputes, orders were issued from the council, forbidding, on both sides, all preaching and printing with regard to the controverted points of predestination and free-will. But it was complained of, and probably with reason, that the impartiality was altogether confined to the orders, and that the execution of them was only meant against the Calvinists.

"In return for Charles's indulgence towards the Church, Laud and his followers took care to magnify, on every occasion, the regal authority, and to treat with the utmost disdain or detestation, all puritanical pretensions to a free and independent constitution. But while these prelates were so liberal in raising the crown at the expense of public liberty, they made no scruple of encroaching themselves on the royal rights, the most incontestible; in order to exalt the hierarchy, and procure to their own order dominion and independence. All the doctrines which the Romish Church had borrowed from some of the fathers, and which freed the spiritual from subordination to the civil power, were now adopted by the Church of England, and interwoven with her political and religious tenets. A divine and apostolical charter was insisted on, preferably to a legal and parliamentary one. The sacerdotal character was magnified as sacred and inde-feasible: all right to spiritual authority, or even to private judgment in spiritual subjects, was refused to profane laymen: ecclesiastical courts were held by the bishops in their own name, without any notice taken of the king's authority: and Charles, though extremely jealous of every claim in popular assemblies, seemed rather to encourage than repress those encroachments of his clergy. Having felt many sensible inconveniences from the independent spirit of parliaments, he attached himself entirely to those who professed a devoted obedience to his crown and person; nor did he foresee that the ecclesiastical power which he exalted, not admitting of any precise boundary, might in time become more dangerous to public peace, and no less fatal to royal prerogative, than the other.

"So early as the coronation, Laud was the person, according to general opinion, that introduced a novelty, which, though overlooked by Charles, made a deep impression on many of the bystanders. After the usual ceremonies, these words were recited to the king: 'Stand and hold fast, from henceforth, the place to which you have been heir by the succession of your forefathers, being now delivered to you by the authority of Almighty God, and by the hands of us and all the bishops and servants of God. And, as you see the clergy to come nearer the altar than others, so remember that, in all places convenient, you give them greater honour; that the Mediator of God and man may establish you on the kingly throne, to be a mediator betwixt the clergy and the laity; and that you may reign for ever with Jesus Christ, the King of kings, and Lord of lords.'

"The principles which exalted prerogative, were not entertained by the king merely as soft and agreeable to his royal ears: they were also put in practice during the time that he ruled without parliaments. Though frugal and regular in his expense, he wanted money for the support of government; and he levied it either by the revival of obsolete laws, or by violations, some more open, some more disguised, of the privileges of the

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Canterbury. He had passed through prosperity and adversity some very sensible instances. He has the character of a good preacher, of an unblemished conversation. As to the governing part, he was not altogether so happy: he was apparently somewhat leaning towards the Puritan persuasion. Under this disposition, he is reported over remiss in his discipline. By holding the reins thus loose, the people were practised upon by the Dissenters, and gained over to Calvinism. The ceremonies of the Church were neglected; and thus, in many places, the worship of God being left too much at discretion, the pressing conformity afterwards was clamoured against, and interpreted to rigour and innovation. Further: archbishop Abbot is taxed with unfriendliness to those of his own function; that he browbeat the inferior clergy, and discovered a partiality to the rich laity, in causes brought before him. To defend himself against this imputation, his answer was, "that he was so severe to the clergy on purpose to rescue them from the severity of others, and to prevent the punishment of them by lay-judges, to their greater shame."

Hamond.
L'Estrange,
Hist. of
K. Charles.

Fuller's
Ch. Hist.
book 11.
p. 128.

But this excuse is a harsh reflection upon the conduct of the clergy, and supposes them remarkably defective, either in common honesty or common discretion. However, these singularities, together with his relaxation of discipline, are no disproofs of integrity: his meaning might be good, though his measures fell short of exactness. As for his benefactions, he built a fair hospital at Guildford, and settled a plentiful endowment.

After Abbot's death, the king was at no loss about a nomination. He had already resolved upon his successor; and,

nation. Though humane and gentle in his temper, he gave way to a few severities in the Star-chamber and High Commission, which seemed necessary, in order to support the present mode of administration, and repress the rising spirit of liberty throughout the kingdom. Under these two heads may be reduced all the remarkable transactions of this reign, during some years: for, in peaceable and prosperous times, where a neutrality in foreign affairs is observed, scarcely any thing is remarkable, but what is, in some degree, blamed or blameable. And, lest the hope of relief or protection from parliament might encourage opposition, Charles issued a proclamation, in which he declared, 'That whereas, for several ill ends, the calling again of a parliament is divulged; though his majesty has shown, by frequent meetings with his people, his love to the use of parliaments: yet the late abuse having, for the present, driven him unwillingly out of that course; he will account it presumption for any one to prescribe to him any time for the calling of that assembly.' This was generally construed as a declaration, that, during this reign, no more parliaments were intended to be summoned. And every measure of the king's confirmed a suspicion, so disagreeable to the generality of the people."

when Laud—who travelled slower than the court—came off his Scotland journey, and waited on the king, his majesty saluted him with this expression,—“My lord’s grace of Canterbury, you are very welcome.” In six weeks the customary forms for the translation were gone through, and the archbishop settled at Lambeth, where, at his coming, he made a splendid entertainment.

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1.

Laud succeeds him in the see of Canterbury.

Sept. 19.
A.D. 1633.

The first directions he received from court referred to the business of ordinations. To secure the clergy from indigence and dependence, it was provided by the canons, that none should be ordained without a title. Now, a title for maintenance is thus settled by the Church. The person to be ordained must either exhibit his presentation to some benefice within the diocese of the bishop ordaining, or bring an unquestionable certificate of his being provided of a curacy in the said diocese, or that he is assured of officiating as deacon or priest in some cathedral or collegiate-church, or that he can make proof of his being a fellow or chaplain in some college in Cambridge or Oxford, or that he is five years standing master of arts and lives in one of the universities upon his own charge, or, lastly, the bishop who ordains him must engage to prefer him shortly to some cure then void. Notwithstanding the precaution of this canon, ordinations were sometimes passed to slender qualifications, either of title or merit; and thus these clergy, being unfurnished with a maintenance, turned lecturers or chaplains, and were frequently entertained upon terms of disadvantage. By being supported in a precarious manner, they lay more obnoxious to unhandsome compliance; and, when their patrons were factious or schismatical, they were in danger of deserting from their duty. By his majesty’s instructions, in the year 1629, it was ordered, that no lay-gentleman, not qualified by law, should entertain a chaplain. But it was not long before this order was disregarded in several families; and therefore, to retrench the number of lecturers and household priests, it was thought fit to stop the source of this inconvenience, and refresh the observing the canon above-mentioned upon the bishops. To this purpose, the king, at the instance of the archbishop, sent him the following letter:—

Can. 33.

Ibid.

“CHARLES REX.

“Most reverend father in God, right trusty and right

The king’s letter to the

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*bishops
touching
ordinations.*

entirely beloved counsellor, we greet you well. There is nothing more dear to us than the preservation of true religion, as it is now settled and established in this our kingdom, to the honour of God, the great comfort of ourself and our loyal people; and there can nothing more conduce to the advancement thereof than the strict observation of such canons of the Church as concern those who are to take orders in their several times, more especially of keeping that particular canon which enjoins that no man be made a priest without a title: for we find that many not so qualified do, by favour or other means, procure themselves to be ordained, and afterwards, for want of means, wander up and down, to the scandal of their calling, or, to get maintenance, fall upon such courses as are most unfit for them, both by humouring their auditors, and other ways altogether unsufferable. We have therefore thought fit, and we do hereby straitly command, require, and charge you to call such bishops to you as are now present in or near our city of London, and to acquaint them with this our resolution. And further, that you fail not, in the beginning of the next term, to give notice of this our will and pleasure openly in our High Commission Court; and that you call in to the said court every bishop respectively that shall presume to give orders to any man that hath not a title, and there to censure him as the canon aforesaid doth enjoin, (which is, to maintain the party so ordered till he give him a title,) and with what other censure you in justice shall think fit. And our further will is, that nothing shall be reputed a title to enable a man for orders but that which is so by the ancient course of the Church and the canon law, so far forth as that law is received in this our Church of England. And, as you must not fail in these our directions, nor in any part of them, so we expect that you give us from time to time a strict account of your proceedings in the same.

758.

“ Given under our signet, at our palace of Westminster, September 19th, in the ninth year of our reign, 1633.”

The archbishop, pursuant to his majesty's order, convened his suffragans in or near the town, acquainted them with the scandal and danger of uncautious ordinations, pressed their managing this affair by the strictness of the canon, and deli-

vered them a copy of his majesty's letters. These letters were likewise transmitted to the bishops in the country, and others of the same tenor sent by the king to the archbishop of York. CHARLES I.

About this time, the king published his declaration concerning lawful sports. The occasion of it was this: some of the judges had lately made orders at the assizes for suppressing all revels, church-ales, clerk-ales, and bid-ales¹, on the Sunday. The publishing this order was enjoined the parochial clergy on the first Sunday in February every year. These regulations were thought to exceed the restraints of the statutes made in the first and third years of this reign, for the better keeping the Lord's-day; and in this business sir Thomas Richardson, chief justice of the King's Bench, was particularly active at the Lent assizes in Somersetshire. The enjoining the clergy to publish the judges' orders in their churches was looked upon as an imposition, and an encroachment, over and above, on the ecclesiastical courts. Laud, then bishop of London, complained of this usage to the king, who commanded the chief justice to discharge the order at the next assizes. Richardson was so far from obeying his majesty, that he confirmed his former proceedings, and made them more menacing than before. This hardy step was resented by the principal gentry of the country. The king, likewise much displeased with Richardson's resolution, commanded the bishop of London to write to the bishop of Bath and Wells for an account of matter of fact, and in what manner the wakes and other festivals were managed. Upon the receipt of this letter, Bath and Wells sent for above seventy clergymen of character, living in the country. These divines certified under their hands, "that, on the festivals, (which commonly fell on the Sunday,) divine service was most solemnly performed, and the congregation fuller, both in the forenoon and in the afternoon, than upon any other Sunday; that the people desired they might be continued; and that the clergy in most places were of the same sentiment. They believed these annual solemnities serviceable for preserving the memory of the dedication of churches, for making up differences by the meeting of friends, for cultivating a good correspondence among neighbours, and for refreshing the poor with the entertainments made upon those anniversaries." Whether these reasons for keeping up the wakes, &c., were stronger than the

The judges at the assizes at Exeter and in Somersetshire suppress wakes, &c.

p. 24.

¹ Ale, a merry meeting used in country places.—*Warton*.

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objections against them, is what I shall leave undetermined.^{of time} However, upon the return of this certificate, the lord chief justice Richardson was summoned again before the council, where, notwithstanding he had endeavoured to justify his proceedings by alleging his order was made at the request of the justices of peace, and with the general consent of the bench, notwithstanding this defence, he was positively commanded to reverse it. By the way, from the account which Heylin and Rushworth give of this matter, it is plain the justices of peace in Somersetshire were divided upon the point.

Cyprian.
Anglic.
p. 257.
Rushworth's
Collections.
vol. 2.
p. 193.
The Sabbatarian controversy revived.

About this time, the Sabbatarian controversy was revived. One Theophilus Bradburn, a clergyman in Suffolk, refreshed this dispute. About four years since, he published a book entitled, "A Defence of the most Ancient and Sacred Ordinance of God, the Sabbath Day." In this tract, he maintains the fourth commandment was absolutely moral; that Christians, as well as Jews, were obliged to the perpetual observing that day; and, lastly, that the Lord's-day, or Sunday, is a working-day; that it deserves no preference; and that it is no better than will-worship and superstition to raise it to the solemnity of a sabbath in virtue of the fourth commandment¹. This Judaizing performance was dedicated to the king. His majesty, much displeased with this resolution, ordered the prosecution of the author in the High Commission. Before the cause came to a hearing, Bradburn was prevailed with by the bishops to submit to a conference, where, his scruples being happily disentangled, he was recovered to an orthodox belief. However, these Sabbatarian mistakes had spread in some measure upon the people. The justices of peace in Somersetshire signed an address to the king, for suppressing church-ales, clerk-ales, &c. But, before the petition was delivered, his majesty, by way of prevention, published the late king's declaration upon this subject, with a supplement of his own. His present majesty's addition is in these words:—

The king's declaration concerning sports.

"Now, out of a like pious care for the service of God, and suppressing of any humours that oppose the truth, and for the ease and comfort and recreation of our well-deserving people, we do ratify and publish this our blessed father's declaration;

¹ There are some modern Sabbatarians, who have modified this opinion, and keep two Sabbaths; namely, Saturday the last day of the Jewish week, and Sunday the last day of the Christian week.

the rather because of late, in some counties of our kingdom, CHARLES I.
 we find that, under pretence of taking away abuses, there hath
 been a general forbidding, not only of ordinary meetings, but
 of the feasts of the dedication of churches, commonly called
 wakes. Now, our express will and pleasure is, that these
 feasts, with others, shall be observed, and that our justices of
 the peace, in their several divisions, shall look to it, both that
 all disorders there may be prevented or punished, and that all
 neighbourhood and freedom, with man-like and lawful exercises,
 be used. And we further command our justices of assize, in
 their several circuits, to see that no man do trouble or molest
 any of our loyal and dutiful people in or for their lawful recrea-
 tions, having first done their duty to God, and continuing in
 obedience to us and our laws. And of this we command all
 our judges, justices of the peace (as well within liberties as
 without), mayors, bailiffs, constables, and other officers, to take
 notice and to see observed, as they tender our displeasure.
 And we further will, that publication of this our command be
 made, by order from the bishops, through all the parish-
 churches of their several dioceses respectively.

“ Given at our palace at Westminster, October 18,
 in the ninth year of our reign, 1633.”

This declaration, whether upon the score of indulging too
 much liberty or dispensing with a late act of parliament, was 1 Charles 1.
cap. 1.
 not well received, and gave the people a further disgust at the
 administration; and some of the clergy, who scrupled the
 reading of it in their churches, were suspended by their ordi-
 naries, and prosecuted in the High Commission. These 759.
 rigours, though not very frequent, heightened the complaint,
 and dissevered the government, both in Church and State.

To go back a little, and report the condition of the Church
 of Ireland, at the lord deputy Wentworth's coming thither.
 For this purpose, I shall insert Dr. Bramhall's (afterwards lord
 primate) letter to Laud, bishop of London. It runs thus:—

“ RIGHT REVEREND FATHER,

“ My most honoured lord, presuming partly upon your
 licence, but especially directed by my lord deputy's commands,
 I am to give your fatherhood a brief account of the present
 state of the poor Church of Ireland, such as our short in-

*Dr. Bram-
hall's letter
to Laud
concerning
the condition
of the Church
in Ireland.
Paper-office.*

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telligence here, and your lordship's weightier employments there, will permit. First, for the fabrics, it is hard to say whether the churches be more ruinous and sordid, or the people irreverent: even in Dublin the metropolis of this kingdom, and seat of justice, (to begin the inquisition where the reformation will begin,) we find our parochial church converted to the lord deputy's stable, a second to a nobleman's dwelling-house, the quire of a third to a tennis-court, and the vicar acts the keeper. In Christ's-church, the principal church in Ireland, whither the lord deputy and council repair every Sunday, the vaults, from one end of the minster to the other, are made into tippling-rooms, for beer, wine, and tobacco, demised all to popish recusants, and by them and others so much frequented in time of divine service, that though there is no danger of blowing up the assembly above their heads, yet there is of poisoning them with the fumes. The table used for the administration of the blessed sacrament in the midst of the choir, made an ordinary seat for maids and apprentices. I cannot omit the glorious tomb in the other cathedral church of St. Patrick in the proper place of the altar, just opposite to his majesty's seat, having his father's name superscribed upon it, as if it were contrived on purpose to gain the worship and reverence, which the chapter and whole Church are bound by special statute to give towards the east. It would seem the soil itself, or a licence to build and bury, and make a vault in the place of the altar under seal, which is a tantamount, passed to the earl and his heirs, *Credimus esse Deos?* This being the case in Dublin, your lordship will judge what we may expect in the country.

“Next for the clergy: I find few footsteps yet of foreign differences, so I hope it will be an easier task not to admit them than to have them ejected. But I doubt much whether the clergy be very orthodox, and could wish both the articles and canons of the Church of England were established here by act of parliament, or state; that as we live all under one king, so we might both in doctrine and discipline observe an uniformity. The inferior sort of ministers are below all degrees of contempt, in respect of their poverty and ignorance: the boundless heaping together of benefices by commendams and dispensations in the superiors is but too apparent; yea, even often by plain usurpation, and indirect compositions, made between the patrons (as well ecclesiastic as lay) and the in-

cumbents; by which the least part, many times not above CHARLES
I. forty shillings, rarely ten pounds in the year, is reserved for him that should serve at the altar; insomuch that it is affirmed that by all or some of these means one bishop in the remoter parts of the kingdom doth hold three-and-twenty benefices with cure. Generally their residence is as little as their livings. Seldom any suitor petitions for less than three vicarages at a time. And it is a main prejudice to his majesty's service, and an hindrance to the right establishment of this Church, that the clergy have in a manner no dependence upon the lord deputy, nor he any means left to prefer those that are deserving amongst them: for besides all those advowsons which were given by that great patron of the Church, king James, of happy memory, to bishops, and the college here, many also were conferred upon the plantations (never was so good a gift so infinitely abused); and I know not how, or by what order, even in these blessed days of his sacred majesty, all the rest of any note, have been given or passed away in the time of the late lord deputy.

Lord Falkland.

"Lastly, for the revenues, how small care hath been taken for the service of his majesty, or the good of the Church, is hereby apparent, that no officer, or other person, can inform my lord what deanery or benefices are in his majesty's gift, and about three hundred livings are omitted out of the book of tax for first-fruits, and twentieth parts; sundry of them of good value, two or three bishoprics, and the whole diocese of Kilfannore. The alienations of Church possessions by long *2 m. p. 4/4 8. 80.* leases and deeds are infinite; yea, even since the act of state to restrain them, it is believed that divers are bold, still to practise in hopes of secrecy and impunity, and will adventure until their hands be tied, by act of parliament, or some of the delinquents censured in the Star-chamber. The earl of Cork holds the whole bishopric of Lismore at the rent of forty shillings, or five marks, by the year; many benefices that ought to be presentative, are by negligence enjoyed as though they were appropriate.

"For the remedying of these evils, next to God and his sacred majesty, I know my lord depends on your fatherhood's wisdom, and zeal for the Church. My duty binds me to pray for a blessing upon both your good endeavours. For the present, my lord hath pulled down the deputy's seat in his own

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chapel, and restored the altar to its ancient place, which was thrust out of doors. The like is done in Christ's-church. The purgation and restitution of the stable to the right owners and uses will follow next, and strict mandates to my lords the bishops, to see the churches repaired, adorned, and preserved from profanation through the whole kingdom.

760.

“For the clergy and their revenues, my lord is careful that no petitions be admitted without good certificate and diligent inquiry (thought a strange course here), and to enable himself, and the succeeding deputies, to encourage such as shall deserve well in the Church, his lordship intends, as well in the commission for defective titles, as for the plantations, to reserve the right of advowsons to his majesty, and as well by diligent search in the records, as by a selected commission of many branches, to regain such advowsons as have been usurped through the negligence of officers, change of deputies, or power of men; and by the same to inform himself of the true state of the Church and clergy, to provide for the cures and residence, to perfect his majesty's tax, to prevent and remedy alienations, to restore illegal impropriations, to dispose, by way of lapse, of all those supernumerary benefices, which are held unjustly, and not without infinite scandal, under the pretence of commendams and dispensations; and to settle as much as in present is possible the whole state of the Church. This testimony I must give of his care, that it is not possible for the intentions of a mortal man to be more serious and sincere than his in those things that concern the good of the poor Church.

“It is some comfort to see the Romish ecclesiastics cannot laugh at us, who come behind none in point of disunion and scandal.

“I know my tediousness will be offensive, unless your lordship's licence, and my lord deputy's command, procure my pardon. I will not add a word more, but the profession of my humble thanks, and bounden service, and so being ready to receive your lordship's commands, I desire to remain, as your noble favours have ever bound me,

“Your lordship's daily and devoted servant,

“Dublin Castle,

“JOHN BRAMHALL.

“August the 10th, 1633.”

On the 14th of October, the king's second son, James, duke CHARLES of York, was born, and christened by archbishop Laud the ^{I.} 24th of November.

It has been observed, the remissness of Abbot introduced a negligent latitude, not to say profaneness, in Divine service. *The archbishop endeavours to reform some negligences in Churches.* The churches had neither ornament or decency, or so much as reparation bestowed on them; and the sacraments were administered where the people had most mind to receive them. *Lord Clarendon's Hist. vol. 1.* This profane indifference the archbishop was resolved to reform, and called upon his suffragans for their concurrence. The recovering of the churches from a condition of offensiveness and scandal, and bringing the circumstances of devotion to an uniformity, was without question a commendable undertaking: but whether through the obstinacy of the people, the expence of the execution, or want of temper in the management, the design miscarried in some places, and made the discontents against the hierarchy run higher.

And now to look over the affairs of the Church in Scotland. *See p. 67.* The king had observed the orders in the late reign for officiating in the English liturgy at Holyrood-house had been discontinued; and being resolved to attempt the bringing the whole island to an uniformity of worship, he conceived the use of the English Common Prayer in the chapel royal might prove a serviceable introduction. For the trial of this expedient, he ordered Ballantine, bishop of Dunblain, and dean of the chapel there, the following instructions for Holyrood-house:—

“ CHARLES REX.

“ I. Our express will and pleasure is, that the dean of our chapel that now is, and his successors, shall be assistant to the right reverend father in God, the archbishop of St. Andrew's, at the coronation, so often as it shall happen. *The king's instructions for officiating in the English Liturgy at the chapel in Holyrood-house.*

“ II. That the book of the form of our coronation, lately used, be put in a little box, and laid into a standard, and committed to the care of the dean of the chapel successively.

“ III. That there be prayers twice a day with the choirs, as well in our absence as otherwise, according to the English Liturgy, till some other course be taken for making one that may fit the customs and constitutions of that Church.

“ IV. That the dean of the chapel look carefully that all

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that receive the blessed sacrament there, receive it kneeling; and that there be a communion held in that our chapel the first Sunday of every month.

“ V. That the dean of our chapel that now is, and so successively, come duly thither to prayers upon Sundays, and such holidays as the Church observes, in his whites, and preach so whensoever he preach there; and that he be not absent thence but upon necessary occasion of his diocese, or otherwise, according to the course of his preferment.

“ VI. That these orders shall be our warrant to the dean of our chapel, that the lords of our privy council, the lords of the session, the advocate, clerk, writers to the signet, and members of our college of justice, be commanded to receive the holy communion once every year, at the least, in that our chapel royal, and kneeling for example sake to the kingdom. And we likewise command the dean aforesaid to make report yearly to us how we are obeyed therein, and by whom; as also if any man shall refuse, in what manner he doth so, and why.

“ VII. That the copes which are consecrated for the use of our chapel be delivered to the dean to be kept upon inventory by him, and in a standard provided for that purpose, and to be used at the celebration of the sacrament in our chapel royal.

Oct. 8,
1633.

Bibl. Regia.
sec. 2.
num. 2.

“ To these orders we shall hereafter add others, if we find others more necessary for the service of God there.”

And the king, possibly being apprehensive Ballantine might be warping toward the Presbyterian persuasion, gave the archbishop a warrant in writing to correspond with this bishop of Dumblain, and transmit his majesty's directions to him for the management of the chapel.

See p. 113. 130

Id. sec. 11.
num. 4.

Notwithstanding archbishop Laud exerted himself for retrieving the usages of the Church, he found the Puritan novelties very difficult to deal with. Calvin, and some others of that complexion, were in many places the idols of the people: insomuch, that to practise up to the primitive Church, to worship God “ in the beauty of holiness,” and guard the solemnities from contempt, was interpreted to be superstition. To give an instance of the undistinguishing obstinacy of these men. The parishioners of St. Gregory's, in St. Paul's Church-

yard, had been at a considerable expence in ornamenting their church: amongst other furniture they had prepared a table for the holy eucharist. Now the dean and chapter of St. Paul's being ordinaries of the place, directed them to set it at the east end of the chancel, that by this situation it might recover its ancient standing, and be conformable to the mother-church. About five of the parishioners contesting this order, appealed to the dean and the arches; and the dean and chapter, to countermine them, referred the decision to the king. On the 3d of November the matter was brought before the council-board, the king being present. After the cause had been pleaded at length on both sides, his majesty, having first declared his dislike of all innovation, gave sentence for the dean and chapter: the parishioners had urged the eighty-second canon to prove the liberty of placing the communion-table in a situation of most conveniency. But here the king's decision takes notice, "That this liberty is not to be so understood, as if it was left to the direction of the parish, and much less to the singular fancy of every humoursome person, to over-rule this matter. To make this inference, was a wide misconstruction of the canons: for these circumstanees, both of place and time, were to be governed by the direction of the ordinary." This judgment in behalf of the dean and chapter was a serviceable precedent, and encouraged the ordinaries in other dioceses to go through with the same regulation. Towards the latter end of this year the king wrote to the archbishop for encouraging the printing of Greek manuscripts: and because the letter may not be unacceptable to the reader, I shall insert it in the records. Farther, to promote the interest of oriental learning, the following letter was sent to the Turkey merchants:—

CHARLES
I.
A contest between some of the parishioners of St. Gregory and the dean and chapter of St. Paul's about placing the communion-table.

761.

Bibl. Reg.
sec. 2.
num. 17.

Num. 110.

"Trusty and well-beloved, we greet you well.

"We have of late taken into our princely care, how to furnish the Greek press within our kingdom, that such of our subjects as are learned in that language might be able to set forth some of those divers manuscripts in Greek, with which our own library, and the libraries in our universities, are well furnished; which course, if it be well followed (as we doubt not but it will), must needs bring a great deal of profit and honour both to Church and State. With the consideration of

Regist.
Laud, par. 1.
fol. 196.
The king's letter to the Turkey merchants, for promoting oriental learning.

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this concerning the Greek, we took into our care also a great difficulty, which yet we conceive may be well mastered, if it be providently looked into. There is a great deal of learning, and that very fit and necessary to be known, that is written in Arabic; and there is a great defect in both our universities, very few spending their time to attain that, or any other of the Eastern languages: which we impute not so much to the fault of the students there, as partly to the great scarcity and want of Arabic and Persian books, on which they might spend their pains, and partly to their lack both of opportunity and means to provide and furnish themselves with such books. While we took this into our royal consideration, and withal how useful and necessary the knowledge of those languages would be for our subjects, we could not but think and advise which way some better store of Arabic and Persian books might be gotten and brought unto us. After a long deliberation, we could not find any way so good, and likely to be successful, as the employing your service which trade thereabouts. And because we would do it with little or no burden unto you, we have thought of this course, which we pray and command you to follow carefully, and with effect, namely, that every ship of yours, at every voyage that it makes, should bring home one Arabic or Persian manuscript book, to be delivered presently to the master of the company, and by him sent or carried to the lord archbishop of Canterbury for the time being, who shall dispose of them as we in our wisdom shall think fit. And we doubt not but you will be careful at all times readily to perform this service, which so much tends to our own honour, the advancement of learning, and the good of our people; the value of one book being not a considerable thing. And always provided that they bring any other books besides the Alcorans, because we have choice of them already.

“ Given under our signet at our palace at Westminster,
the — day of February, in the ninth year of our
reign.”

*The death of
Godwin,
bishop of
Hereford.*

This year Francis Godwin, bishop of Hereford, departed this life. He was son to Thomas Godwin, bishop of Bath and Wells. Francis was translated from the see of Landaff to that of Hereford by king James. He was a considerable mathematician, a good preacher, and an eminent antiquary, and

wrote well in Latin. His principal works are, his book, "De Præsulibus Angliæ," and his "Annals" of the reign of Henry VIII., king Edward VI., and queen Mary. Juxon, dean of Worcester, and clerk of the closet, was nominated for his successor. But upon Laud's advancement to Canterbury, he was recommended to the king by that archbishop for the see of London, and hither his majesty promoted him. And thus the church of Hereford continuing vacant, Augustin Lyndsell was translated thither, and Francis Dec, doctor in divinity, and dean of Chichester, was made bishop of Peterborough.

This year William Pryn, outer-barrister of Lincoln's-inn, was called to an account for his "Histriomastix." In this performance the heat of his temper, and his puritanical principles, carried him too far. He writes with no guard of discretion or charity; rambles extravagantly beyond his bounds; and not only falls upon masks and dancing without reserve, but flies his satire against hunting, public festivals, keeping Christmas, bonfires, and May-poles.

Pryn prosecuted and censured in the Star-chamber.

He is charged with insulting the court, reproaching the queen, and dropping some dangerous expressions against the king and government.

Rushworth's Collections, vol. 2. p. 220. 235.

Ibid. p. 221.

Besides these misdemeanours, for which he was prosecuted in the Star-chamber, attorney-general Noy cited several scandalous passages in his book, of which the information took no notice. The reason why these things were overlooked in the matter alleged against him was, their being of ecclesiastical cognizance, and proper for the High Commission.

To mention somewhat of this part of Pryn's invective. He throws a general censure upon the bishops and clergy; falls upon them for making an over-expensive and foreign figure; and taxes them with scorning to feed the poor. He complains of cringing and ducking to new-erected altars, and of dedicating St. Paul's to Diana. He goes on in this coarse way of rallying; calls the Church music "a bleating of brute beasts. Choristers (says he) bellow the tenor as if they were oxen; bark a counterpoint like a kennel of dogs; roar a treble as if they were bulls; and grunt out a base like a parcel of hogs." The lords of the Star-chamber, that delivered their opinion at large, and harangued upon Pryn's misbehaviour, were the lord Cottington, chancellor of the Exchequer, the lord chief justice Richardson, the earl of Dorset, and secretary Cook. After

Ibid. p. 232. wrongpaged, for p. 223.

LAUD,
Abp. Cant.

762.

three days' hearing, this sentence passed upon him: "That he should be expelled the society of Lincoln's-inn; be degraded at Oxford; stand in the pillory at Westminster, and Cheapside; lose an ear in each place, with a paper on his head declaring his offence,—that he was punished for publishing an infamous libel against both their majesties' state and government; and lastly, he was fined five thousand pounds to the king, and condemned to a perpetual imprisonment." By Rushworth's narrative, one might conclude the rest of the court concurred with the lords above-mentioned without making any speeches. Had the archbishop heightened the charge, and delivered himself with the acrimony and vehemence of lord Cottington and the other three, we may reasonably imagine it would not have been omitted by this collector. But notwithstanding this comparative gentleness, Pryn is particularly piqued at Laud, sends him a provoking letter, and misreports what the archbishop had spoken when the censure passed in the Star-chamber. Upon this, the attorney-general, by the king's order, sends for Pryn, shews him the letter, and asks him whether it was his hand? Pryn desired to read it, for that otherwise he could not answer the question. The letter being put into his hands, he tore it in small pieces, and threw it out at the window. Notwithstanding this stroke of art, he was prosecuted for a libel, and at last pardoned by Laud in the Star-chamber. This happened the next year; but to give the story more unbroken, I have mentioned it now.

See July 16 24th 1633.

I shall conclude this year with the archbishop's account of the condition of his province, which he gave in to the king. It begins thus:—

"MAY IT PLEASE YOUR MOST SACRED MAJESTY.

A.D. 1633-4.
*Archbishop
Laud's
annual ac-
count of his
province to
the king.*

"According to your royal commands, I do here upon the 2nd of January present my account of both the diocese and province of Canterbury, concerning all those Church affairs which are contained within your majesty's most gracious declaration and instructions; published out of your most princely and religious care to preserve unity in orthodox doctrine, and conformity to the government, in this Church of England.

"And first, for his own diocese of Canterbury, he acquaints the king, his time has been so short, that he can only certify, some of his peculiars in London are extremely out of order.

"For the bishopric of London, it is certified, that the ^{CHARLES}
bishop had not received a complaint against any of his clergy ^{I.}
since his coming to that see, which was at last Michaelmas.

"The bishop of Bath and Wells had taken a great deal of pains, in his late visitation, to make all the king's instructions observed. And particularly, he put down several lecturers in market towns, who were beneficed in other dioceses; because he found that, when they preached factious sermons, they retired into other counties, beyond the reach of his jurisdiction.

"In the diocese of Rochester, the town of Malling, and that whole deanery, were very much out of order. But the archbishop, by the lord bishop's command, had settled them.

"And whereas his majesty's instructions require that lecturers should turn their afternoon sermons into catechising, some parsons and vicars within the diocese of Peterborough object against their being included within the order, because lecturers, as they pretend, are only mentioned. But this being no better than misconstruction, the bishop will quickly take care to clear the doubt, and settle the practice accordingly.

"The bishop of Coventry and Lichfield complains, the peculiars of his diocese (in which he has no power) are much out of order. His lordship further certifies his having suppressed a seditious lecture at Ripon. He had likewise put down several monthly lectures, kept with a fast, and managed by a moderator. He had also suppressed a meeting called the 'Running-lecture.' It was so called, because the lecturer went from village to village; and at the end of the week gave public notice where they might find him for the next exercise.

"The bishop of St. Asaph acquainted the archbishop, that the condition of his diocese was without exception, abating the increase of Romish recusants in some places, which seems to be encouraged by their superstitious concourse to St. Winifred's Well.

"The bishop of Landaff certifies, that he has not so much as one stubborn Nonconformist, or schismatical minister within his diocese; and that there are but two lecturers, and those both licensed preachers.

"The lord bishop of Lincoln reports, that the company of mercers in London, intrusted with the legacy of one Mr. Fishburn, has set up a lecture in Huntingdon, with an allowance of forty pounds per annum. But then the establishment is

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lodged with this proviso, that upon the company's dislike of any lecturer, he was to be discharged at a month or a fortnight's warning; neither was his diocesan or metropolitan to interpose in this affair."

[And here the archbishop intreats the king, that no layman whatsoever, and least of all companies or corporations, may, under any pretence of a benefaction to the Church, or otherwise, have power to put in, or turn out any lecturer, or other minister. To this request the king answers in these words: "Certainly I cannot hold fit, that any lay person, or corporation whatsoever, should have the power these men would take to themselves. For I will have no priest have a necessity of a lay-dependency."]

"To proceed. The bishop of Lincoln complains, it is the custom of some in Bedfordshire to stroll from their parish churches, and follow preachers of their own fancy; and that he had ordered his officers to take strict notice of their misbehaviour. And as for the placing of the communion-table in parish churches, this prelate declares he takes care of it pursuant to the canon."

[These two last particulars, though not within the regal instructions, the archbishop takes care to report, to do justice to bishop Williams, and recommend him to his majesty's good opinion.]

"The bishoprics of Hereford and Bangor were void, and no certificates transmitted before the vacancy.

"The bishop of Ely certifies, that by the best information he can get, none of his majesty's instructions are disobeyed in his diocese.

"All these bishops," continues the archbishop, "agree, that all other things (abating the singularities abovementioned) in his majesty's instructions are carefully observed; and particularly that branch of them which relates to discourses upon the 'prohibited questions.'

"And lastly, the archbishop acquaints the king, that from the dioceses of Salisbury, Norwich, Worcester, Oxford, Bristol, Winchester, Chichester, Gloucester, and Exeter, he had as yet received no certificates."

Hist. of the
Troubles,
&c. of Abp.
Laud, p. 525.

And thus I have given the reader the most material passages in this report. By the way, the archbishop's giving the king an annual account of his administration, and the condi-

tion of his province, was altogether new (excepting Abbot's, CHARLES last year); neither does it appear that Neile, archbishop of ^{I.} York, followed the precedent. But from hence it must not be inferred, that Laud was so far an Erastian as to believe his episcopal authority derived from the crown¹. No; he disclaims this opinion at his trial. The report, therefore, of these matters, was only to inform his majesty of the state of the Church; to engage his countenance, and dispose him to abet the spiritual censures.

I shall now break off the history at home, and attend the affairs of the Church in Ireland. On the 14th of July the parliament met at Dublin castle. Before I proceed to the statutes which concern religion, I shall give the reader part of the convocation's address, for the better maintenance of the rural clergy. It stands thus:—

“ To our dread Sovereign Charles, by the grace of God King of Great Britain, France, and Ireland :— 763.

“ The humble petition of his highness's most loyal and devoted subjects, the archbishops and bishops of Ireland, assembled in convocation by his majesty's special command,

Paper-office.

“ Showeth unto your sacred majesty,

“ That, in the whole Christian world, the rural clergy have not been reduced to such extreme contempt and beggary as in this your highness's kingdom, by the means of the frequent appropriations, commendams, and violent intrusions into their undoubted rights in times of confusion, having their churches ruined, their habitations left desolate, their tithes detained, their glebes concealed; and, by inevitable consequence, an invincible necessity of a general non-residence imposed upon them, whereby the ordinary subject has been left wholly destitute of all possible means to learn true piety to God, loyalty to their prince, civility towards one another, and whereby former wars and insurrections have been occasionally both procreated and maintained: whereas, by settling a rural clergy, endowed with competency to serve God at his altar, besides the general protection of the Almighty, which it will most surely bring

A.D. 1634.
The Irish convocations' address to the king.

¹ Had Erastus stated that episcopal authority is derived from God through the crown, he would have been orthodox; but he carried his theory too far, and fell into heretical sophistries.

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Abp. Cant.

upon your majesty and this kingdom, barbarism and superstition will be expelled, the subject shall learn his duty to God and his sovereign, and true religion be propagated.

“ Our most humble suit is, that your highness would be graciously pleased, for God’s cause and for his Church’s cause, and for the encouragement of others by your royal example to so good a work, to perfect the pious intentions of your blessed father and your sacred majesty, by establishing upon a rural and resident clergy those appropriations which are yet in the crown undisposed : so as the same may bring no diminution to your revenue, nor considerable prejudice to the rights of the imperial crown of this realm, as by a representation of the true state of these benefices, made to the lord deputy and hereunto annexed, may appear,” &c.

Comp p. 44. 179. By this address, it is evident the king’s letters-patent for restoring impropriations were not fully executed.

To proceed : our Nine-and-Thirty Articles were received by this convocation. In the year 1615, the Irish Church had settled upon a different belief from the English Reformation, as has been already observed. The lord primate Usher being now Calvinistically inclined, and having a considerable ascendant over the bishops and clergy, the ratifying the Irish Articles was moved in both houses. This point would most probably have been carried, had not the business been dexterously managed by some members of a different persuasion. The suggestion was, that these Articles, passed in the year 1615, were already fortified with all the authority that the Church could give them ; and that a further confirmation would imply a defect in their constitution. The blow being thus put by, they advanced to a further step, and moved the primate, that, for silencing the Papists’ objections of disagreement amongst the Protestants, and bringing the British and Irish Churches to a closer correspondence,—to this purpose they moved the primate, a canon might be passed for approving the Articles of the Church of England. The archbishop being gained to this proposal, the canon was drawn up, and passed *nemine contradicente*, a single vote only excepted. It seems one Calvinist had looked deeper than the rest into the matter. The canon, which approved and received the Articles of the Church of England, was couched in the following words : viz.—

*" Cf the Agreement of the Church of England and Ireland
in the Profession of the same Faith.*

CHARLES
I.

" For the manifestation of our agreement with the Church of England, in the confession of the same Christian faith, and doctrine of the sacraments, we do receive and approve the Book of Articles of religion, agreed upon by the archbishops and bishops, and the whole clergy, in whole convocation, holden at London, A. D. 1562, for the avoiding of diversities of opinions, and for the establishing of consent touching true religion. And therefore, if any hereafter shall affirm, that any of those Articles are in any part superstitious and erroneous, or such as he may not with a good conscience subscribe unto, let him be excommunicated, and not absolved before he makes a public revocation of his error."

*They receive
the Thirty-
nine Arti-
cles of the
Church of
England.*

Bibl. Reg.
sec. 3.
num. 13.

It has been affirmed, that the Irish Articles above-mentioned were formally nulled by this convocation. But, in disproof of this assertion, archbishop Usher's testimony is cited by a considerable historian. However, this entire receiving the Nine-and-Thirty Articles, without the least reserve, implies a virtual abrogating their own: this, I say, is the necessary consequence, as far as there is any inconsistency between the English and Irish Articles: for this canon being the last act of the Irish Church, it must, like a last will, stand in force against all prior declarations of a contrary import.

*L'Estrange,
Hist. of the
Reign of
K. Charles.*

*Bishop
Usher's
Life, by
Parr, p. 42.*

To go on to the parliament at Dublin: I shall begin with the act for confirming eight entire subsidies, granted by the prelates and clergy. The preamble of this grant, addressed to the king, sets forth the miserable condition of the Church of Ireland at king James's accession to the throne. And here, after having represented the calamity of the clergy, much in the same manner already mentioned in their petition, they proceed to this acknowledgment: "That now,"—to use their own words,—“by the piety and bounty of your blessed father, and by the gracious influence of your sacred majesty, being new enlivened, and beginning to lift up our heads out of darkness and obscurity, do freely acknowledge, to your immortal glory, before God and the whole Christian world, that as no Church under heaven did ever stand more in need, so none did ever find more royal and munificent patrons and protectors, than

*Their ac-
knowledg-
ment to the
king.*

LAUD,
Abp. Cant.

the poor Church of Ireland. You have not only made restitution of that which the iniquity of former ages had bereft us of, but also, as though you intended to expiate their faults, enriched us with new and princely endowments: all which great favours do yet become more sweet unto us whilst we entertain them as pledges of your future unexhausted goodness. And if we do not seriously endeavour, throughout our whole lives, to make unfeigned expressions of true loyalty and thankfulness to your sacred majesty, we deserve to be condemned by men, and punished by God, as monsters of ingratitude. To which infinite obligations, and many others, we may add your majesty's inestimable goodness in providing for us our present deputy, Thomas, viscount Wentworth, a governor so just, careful, provident, and propitious to the Church."

Irish Acts.
10 Charles 1.
cap. 23.

*Irish Acts
relating to
the Church.*
760*.

Id. cap. 1.

Id. cap. 2.

Id. cap. 3.

This parliament, at their next session, began, after prorogation, on the 24th of March, passed an act against cursing and swearing. It is much the same with that made in England in the twenty-first year of king James, cap. 20. Another provision with reference to religion, in the Irish parliament, is "An Act to enable the restitution of Impropriations and Tithes, and other rights ecclesiastical, to the Clergy, with a restraint of alienating the same." The next act, which is the last I shall mention, provides "for the preservation of the inheritance, rights, and profits, belonging to the Church and persons ecclesiastical." By this statute, "all feoffments, gifts, grants, leases, alienations, &c., made or done after the 1st day of June next ensuing, by any archbishops, bishops, deans and chapters, archdeacons, prebendaries, parsons, vicars, masters and governors and fellows of colleges, and masters of hospitals, of any manors, lands, tenements, &c., being parcel of the possession of any archbishop, bishop, &c., shall be utterly void and of none effect." This statute has some provisos, which are too long to mention.

To return to England: this year the city clergy petitioned the king for the benefit of the law, and the due payment of their tithes:—

*The London
clergy's peti-
tion for the
due payment
of their
tithes.*

"Humbly shewing, that the benefices in London were a hundred years since very great; that the decree now in force provides two shillings and ninepence to be paid upon every

¹ The pagination of four pages of the folio edition is here irregular: but the irregularity is retained for convenience of reference.

pound rent, without fraud; that, notwithstanding the said decree, (the variation of times considered,) they are now very poor and mean, many of them not worth 40%. per annum, the most not 100%, only one—Christ-church, a city impropriation—worth 350%.; that the petitioners have not independent maintenance, and for want thereof are daily thrust upon dangerous and great inconveniences; that this is because the petitioners have no means assigned in the said decree for the discovering of the true value of their said rents by the oath of the parties; and for that many London landlords (to the defeating the petitioners and endangering their own souls) have and daily do contrive double leases, or make provisos, wherein they call some small part of the true rent by the name of rent, and all the rest (which yet is quarterly paid) by the name of fine, income, or the like, which practice in the year 1620 was signified to be unjust and sacrilegious, under the hands of the reverend bishops and heads of houses of both universities; and, lastly, for that the lord mayor for the time being is our ordinary judge, and the petitioners generally want both ability and leisure to prosecute an appeal from him to the right honourable the lord keeper, or otherwise to wage law with rich and powerful citizens.

“ May it therefore please the great patron of the Church, your royal majesty, to take into your princely consideration these pressures and grievances of your poor clergy of London, with the causes of the same; and to take such course for redress thereof as to your majesty’s great wisdom and clemency shall seem meet.

“ And your petitioners shall,” &c.

CHARLES
I.
See 37 Hen.
8. cap. 12.

Rushworth’s
Collect.
vol. 2.
p. 269.

This petition was graciously received, and several of the privy council were appointed to consider it. About five months after, they came to a hearing, and the matter was referred by the parties to the king and council. But, in short, the business sunk with the referees: prudential considerations, as they are called, struck the cause dead; and the board, it is probable, was not willing to venture disobliging the city with a decision.

The matter referred to the privy-council, and sinks there.
Idem.

This year, the archbishop of Canterbury began his metropolitical visitation in the diocese of Lincoln. And, in the first place, the bishop and the six archdeacons were suspended the exercise of their jurisdiction, during the time of this visitation.

LAUD,
Abp. Cant.

Bishop Williams at first refused to acknowledge this archiepiscopal privilege, and pretended a papal exemption; but the business being brought before the council-board, and the records of either side examined, this plea was found insufficient. This obstruction being got over, Brent, the vicar-general, went on with the visitation, and, pursuant to his articles, enjoined the churchwardens to remove the communion-table to the east end of the chancel, and enclose it with a decent rail. He gave them further in charge, that they were to return the names of the lecturers in their respective parishes; and whether those lecturers and the rest of the preaching clergy observed his majesty's instructions, published in the year 1629.

Contests
about
placing the
communion-
table.

Comp. p. 124.

The bringing the communion-table into the chancel, which situation had been long discontinued in several places, occasioned a warm contest, both in this diocese and elsewhere. As to bishop Williams, he seems formerly to have been entirely in Laud's sentiment: for, in his own chapel at Bugden, the communion-table was placed at the east end, where the altar stood before. The table stood in the same posture in his cathedral of Lincoln, and in the collegiate church of Westminster, where he was dean. But now he changed his opinion in some measure, and gave orders for railing in the communion-table in the middle of the chancel, and not at the east end. And, to support his practice, he wrote two tracts upon the controversy: one entitled, "A Letter to the Vicar of Grantham;" and the other called, "Holy Table, Name and Thing." Both these performances were answered by Dr. Heylin.

The facto-
ries, &c.
conform to
the English
Liturgy.

p. 55.

June, 1634.

And now, archbishop Laud had procured an order of council for bringing the English factories and forces in Holland to a conformity with the Liturgy. It was the same in substance with the "Considerations" laid before the board, already mentioned. This order, gained the last winter, was executed this year.

And the number of the English merchants being considerable in Holland, and particularly at Delph, the archbishop wrote the following letter to the factory there:—

Archbishop
Laud's letter
to the factory
at Delph.

"After our hearty commendations, &c., we are commanded by his majesty to signify unto you, that this bearer, Mr. Beaumont, chosen by joint consent of your company to be your preacher at Delph, or where else you shall at any time reside,

is a man, learned, sober, and conformable to the doctrine and discipline established in the Church of England, and that you are to receive him with all decent and courteous usage fitting his person and calling, and to allow him the usual ancient stipend, which Mr. Forbes lately, or any other before him, hath received. And further, we are to let you know that it is his majesty's express command, that both you, the deputy, and all and every other merchant that is or shall be residing in those parts beyond the seas, do conform themselves to the doctrine and discipline settled in the Church of England; and that they frequent the Common Prayers, with all religious duty and reverence, at all times required, as well as they do sermons; and that out of your company you do yearly about Easter, as the canons prescribe, name two churchwardens, and two sidesmen, which may look to the orders of the Church, and give an account according to their office; and Mr. Beaumont himself is hereby to take notice, that his majesty's express pleasure and command to him is, that he do punctually keep and observe all the orders of the Church of England, as they are prescribed in the canons and the rubrics of the Liturgy; and that, if any of your company shall show themselves refractory to this ordinance of his majesty, (which we hope will not be,) he is to certify the name of any such offender and his offence to the lord bishop of London for the time being, who is to take order and give remedy accordingly. And these letters you are to register and keep by you, that they which come after may understand what care his majesty hath taken for the well-ordering of your company in Church affairs. And you are likewise to deliver a copy of these letters to Mr. Beaumont, and to every successor of his respectively, that he and they may know what his majesty expects from them, and be the more inexcusable if they disobey. Thus, not doubting but that you will show yourselves very respectful to these his majesty's commands, we leave you to the grace of God, and rest your very loving friend,

CHARLES
I.

761*.

" June 17, 1634.

W. CANTERBURY."

The same directions, as to the main, were sent to the factory at Hamburgh, and all other places of trade, and plantations, where the English were settled: ambassadors' families were likewise put under the same regulation for divine service.

Cyprian.
Anglic.

LAUD,
Abp. Cant.

The Non-conformists in New England erect a Calvinistic Church.

See Records, num. 111.

See p. 55. 107.

But notwithstanding this order was generally received in the four great divisions of the world, New England was somewhat of an exception. The Dissenters, who transported themselves thither, established their own fancy, and formed a Church this year upon Calvin's model.

As for the French and Dutch churches in England, they struggled for a spiritual independency; but at last finding the discipline and worship of the Church pressed strongly upon them, they seemed to acquiesce; and complied so far as to publish the archbishop's injunction (already mentioned) in their assemblies, through this whole province. Neile, archbishop of York, held them to stricter terms, allowed no indulgence to those of the first descent, and denied them the use of any jurisdiction of their own establishment.

Cyprian.
Anglic.
p. 330.

This year Thomas Cooke, bachelor of divinity, fellow of Brazen Nose in Oxford, had, in a Latin sermon, exceeded the bounds prescribed in the king's injunctions, and run out upon the Quinquarticular controversy: for this misbehaviour he made a public recantation: and notwithstanding his discourse was bending toward the Puritan side of the question, he afterwards stood clear of that bias, and died a very orthodox member of the Church of England.

Wood's
Hist. et
Antiq. Uni-
vers. Oxon.

From the archbishop's report of the affairs of his province this year, I shall only observe his acquainting the king, that in all the dioceses he had visited, the lamentable subsistence of the poor vicars was a general grievance: and which was a harder circumstance in this calamity, the vicars in great market towns, where the congregations were very numerous, had commonly the slenderest provision. By the rest of this annual account, it appears, the province stood much in the same condition it was in the last year, and therefore I shall omit the recital: only thus much may be observed, that conformity came forward, and the Church gained ground upon the Puritan party.

Jan. 2,
A.D. 1634-5.

Hist. of the
Troubles,
&c. of Abp.
Land.

To proceed, the metropolitical visitation was continued from year to year, till the whole province was gone through. The vicar-general Brent having given the charge, and allowed the church-wardens time for returning their certificates, left the further management to their respective bishops. And here the placing the communion-table at the east end of the chancel was not every where understood; particularly, this visitation

article was not carried without contest in the dioceses of Lichfield and London: Pierce, bishop of Bath and Wells, had better success. To make this alteration pass smoothly, he endeavoured to convince his people of the reasonableness of it. He suggested "it was ordered by queen Elizabeth's injunctions, that the communion table should stand in the place of the altar; that there ought to be some difference between placing the Lord's table in the church, and that of a common table for eating in our own houses: that it was not decent the people should sit above God's table, or above his minister the priest, when he consecrates: that by this situation of the communion table at the east end, the chancel would be enlarged, and more room left for the communicants. That the priest officiating upon an ascent would be seen and heard to more advantage, than if the table stood upon a level in the middle: that it was highly proper the parochial churches should conform to the custom of their respective cathedrals. And lastly, that being fenced with a rail in this situation, would be the only way to secure it from profanation and common business."

CHARLES
I.

A.D. 1635.

*Ancient
usages re-
stricted in
the cathedral
churches,
and else-
where.*

And thus by convincing their understandings, before he commanded their practice, he reconciled a great part of his diocese to this commendable usage.

The archbishop went on to the regulation of cathedrals, for a precedent to the rest. And here in one half of the sees, want of force and full direction in the statutes occasioned confusion. Of the twenty-six sees in England and Wales, thirteen are founded in secular canons; and of these I have given a recital in the former part of this work. These Churches of the old foundation, as they are called, were well furnished with statutes, and excepting Hereford, wanted no assistance this way: the other moiety standing originally on monastic orders, being dissolved by king Henry VIII., were new founded with a dean and chapter of secular priests. Under this last division, the churches of Canterbury, Winchester, Ely, Worcester, Rochester, Norwich, and the four new bishoprics of Oxford, Peterborough, Gloucester, and Bristol, together with those of Durham, Carlisle, and Chester, in the other province, are to be reckoned. For each of these cathedrals of the new foundation, a body of statutes was drawn, but neither carried to a full length, nor confirmed in the forms of law. The measures of conduct lying thus un-

*Different
regulations
in the cathe-
drams of old
and new
foundations.*

LAUD,
Abp. Cant.

certain, occasioned frequent clashes between the dean and prebendaries; the deans pretending to a more arbitrary government than the chapters were willing to acknowledge. The perfecting these regulations, and bringing the cathedrals to a better harmony, was projected by the archbishop: and in all likelihood he had gone through with this worthy undertaking, had he not been disabled by the public disturbances.

762*.

*A new body
of statutes
provided for
the Church
at Canter-
bury.*

However, he made something of an essay, and lost no time while the season lasted: and to recommend his method, he began his reformation with his own cathedral at Canterbury; and here he found things in a tolerable order: the table was placed at the east end of the choir, and bowing used towards it, by the appointment of the dean and chapter. This decency and devotion being thus far settled, he advanced another step, and ordered new ornaments of plate and hangings for the furniture of the altar; and to keep things from relapsing into negligence and disuse, he drew a new body of statutes for the cathedral, and got them confirmed under the broad seal. By one article in these statutes, the deans, prebendaries, and officers, were obliged by oath to worship God, by bowing towards the altar at their coming in, and going out of the choir. Resembling regulations were made this year by the vicar-general, at Winchester and Chichester; where directions were given to provide four copes, to rail in the communion table, to place it in the altar situation, to bow towards it, and constantly read the epistles and gospels at it. The statutes of Hereford being imperfect, he threw them into a new form, and sent them down fortified with the broad seal. "By this regulation the prebendaries were bound to officiate on Sundays and holy-days in their copes: to stand up at the creeds, gospel, and doxologies: to bow at the name of Jesus, and towards the altar, and not suffer any person to be covered in the church; and that the prayer before their sermons should be made pursuant to the fifty-fifth canon." By these appointments we may collect how far this cathedral had warped towards Puritanism, and gone off from the rules of the Church. This reformation was carried through other dioceses: and thus by degrees, religion appeared more venerable, and the cathedrals were recovered to their ancient splendour and solemnity.

After all, the archbishop was not singular in placing the communion-table, and worshipping towards the altar: for Da-

venant of Salisbury, and Morton of Durham, two bishops CHARLES
I.
altogether unsuspected of any bias towards popery, were of the same sentiment. For instance, there happening a dispute between the parson and churchwardens, in Wiltshire, about placing the communion-table, the business was referred to bishop Davenant, who determined in favour of the incumbent: *The bishops
Davenant
and Morton
of the arch-
bishop's
opinion in
two in-
stances.*
and, by a decree under his episcopal seal, ordered the table should stand in the place of the altar. In this decree there are two remarkable passages: "First, That by the injunctions of *See canon 82*
queen Elizabeth, and by the thirty-second canon under king James, the communion tables should ordinarily be set, and stand with the side to the east wall of the chancel. And, Secondly, That it is ignorance to think that the standing of the table in that place does relish of popery."

Further, for adoration towards the table, bishop Morton's testimony is a sufficient purgation. This prelate, in a tract against the sacrifice of the mass, founded upon the belief of transubstantiation, has these words: "The like difference," says he, "may be discerned between their manner of reverence in bowing towards the altar for adoration of the eucharist only, and ours in bowing, as well when there is no eucharist on the table, as when there is, which is not to the table of the Lord, but to the Lord of the table, to testify the communion of all faithful communicants therewith, even as the people of God did in adoring him before the ark, his footstool," Psalm xcix.

Arch-
bishop's
Speech,
June 16,
1637.

To take off some hard imputations upon the king's declaration, concerning lawful sports, two books were published against the Calvinian party: one of them was written by White, bishop of Ely, a learned prelate, who had signalized himself against the Papists in defence of the Reformation: his book, going on the argumentative and scholastic part, was entitled, "A Treatise of the Sabbath-day, containing a Defence of the Orthodoxal Doctrine of the Church of England against Sabbatarian Novelty." The other tract, called "The History of the Sabbath," was written by Dr. Heylin, prebendary of Westminster: the design is to show the practice of the Church through all ages. In his first part he takes his rise from the creation of the world, and reports matter of fact, to the destruction of the temple: his second part begins with the history of our Saviour and his Apostles, and comes down to the year one thousand six hundred and thirty-three, when

LAUD,
Abp. Cant.

the reading the king's declaration was enjoined the clergy. This book must be confessed a learned performance, but that the author has not pushed the controversy towards an extreme and encouraged too great a liberty, is more than I dare determine.

*A book of
canons for
the Scotch
Church pub-
lished.*

About this time the Scotch bishops were employed in drawing a book of canons, and forming a library for the use of that Church. The canons being finished in the first place, his majesty was pleased to give these reasons, in his large declaration, for setting them forth :

“ First, He thought it necessary some book, comprising the rules of ecclesiastical government, should be published : that by this means there might be a fixed measure for stating the power of the clergy, and the practice of the laity.

“ Secondly, That the acts of their assemblies being only in manuscript, would not reach the generality : besides, these records were so bulky and voluminous, that transcribing them was almost impracticable : and thus few, even of the presbyters, could pronounce upon the authority of the copies, and distinguish between genuine and interpolated passages ; besides the removing of them from one custody to another, and lodging them so uncertainly, they scarcely knew where to apply for information.

“ Thirdly, That by reducing these regulations to a lesser compass, and laying them open to public view, nobody could miscarry through ignorance, or complain of being overcharged.

“ And, Lastly, That not one in that kingdom governed his practice by the acts of those general assemblies.”

The canons being drawn upon this view, and presented to his majesty, he signed a warrant to the archbishop of Canterbury, requiring him and Juxon, bishop of London, to examine this draught ; to alter and reform at discretion, and bring it as near as might be to a conformity with the English canons. These two bishops having executed the king's orders, and prepared a book for the press, the king confirmed it under the great seal. The instrument sets forth, that “ his majesty, by his prerogative royal, and supreme authority in causes ecclesiastical, ratifies and confirms the said canons, orders, and constitutions, and all and every thing in them contained, and

Bibl. Reg.
sec. 2.
num. 9.

*These letters-
patent are
dated at
Greenwich,
May 23,
1635.*

strictly commands all archbishops, bishops, and others exercising ecclesiastical jurisdiction, to see them punctually observed."

CHARLES
I.
Bibl. Reg.
sec. 2.
num. 2.
763*.
*The Scotch
ministers'
exceptions
against the
matter.*

When these canons were published, the Scotch presbyters declared against them. Their objections were of two sorts: they disliked the matter enjoined, and the manner of imposing them. The canons rejected upon the score of the matter were chiefly these following. They neither understood the assertions of some, nor the injunctions of the rest. The canons contested were,—

"1. That whoever should affirm the king's majesty had not the same authority in causes ecclesiastical, that the godly kings had among the Jews, (though without question the ungodly ones had the same) or the Christian emperors in the primitive Church; or impugn in any part his royal supremacy in causes ecclesiastical, was to incur the censure of excommunication.

"2. The like censure was to pass upon those who should affirm the worship contained in the Book of Common Prayer, and administration of the sacraments, or that the government of the Church by archbishops and bishops, &c., contained any thing repugnant to the Scriptures; or was corrupt, superstitious, or unlawful in the service and worship of God.

"3. That ordinations were restrained to four times of the year, that is, the first weeks of March, June, September, and December.

"4. That every ecclesiastical person at his admission should take the oath of supremacy, according to the form required by parliament; and the like oath for avoiding simony, required in the Book of Consecration.

"5. That every presbyter shall, either by himself, or by another person lawfully called, read, or cause divine service to be done, according to the form of the Book of the Scottish Common Prayer, before all sermons; and that he should officiate by the said Book of Common Prayer in all the offices, parts, and rubrics of it.

"6. That no preacher should impugn the doctrine delivered by another in the same church, or any adjacent one, without leave from the bishop.

LAUD,
Abp. Cant.

“ 7. That no presbyter should hereafter be cautioner or surety for any person whatsoever, in civil bonds or contracts, under the penalty of suspension.

“ 8. That the remainder of the bread and wine, prepared for the communion, should be given to the poorer sort of those who received that day, and was to be eaten and drank by them before they went out of the church.

“ 9. Presbyters are enjoined to administer the sacrament of baptism without distinction of days in sickness and danger; and the people are required to receive the sacrament of the Lord's Supper in a kneeling posture.

“ 10. That in all sentences of separation, *a thoro et mensa*, there shall be a condition inserted, and security given: that the persons divorced shall live regularly and unlicentiously, and not marry again during each other's life.

“ 11. That no private meeting be held by presbyters, or any other persons whatsoever, for expounding Scripture, or debating matters ecclesiastical; things of this nature being only to be discussed in synods of bishops.

“ 12. That, under the penalty of excommunication, no presbyter or layman, jointly or severally, shall be allowed to make rules, orders, or constitutions, in causes ecclesiastical; or to add or take away from any rubrics, articles, or other things now established, without the authority of the king, or his successors.

“ 13. That national or general assemblies are to be called only by the king's authority; and that the decrees of such assemblies in matters ecclesiastical should bind the absent; and that it should not be lawful for the bishops themselves, in such assemblies, or elsewhere, to alter any article, rubric, canon, doctrinal or disciplinary, without his majesty's leave first had and obtained.

“ 14. That no man should be covered in time of divine service, unless with a cap, or night-coif, in case of ill health; and that all persons shall reverently kneel at the reading the confession, and other prayers, and stand up at the creed.

“ 15. That no presbyter, or reader, shall be permitted to pray extempore, or use any other form in the public service, than that prescribed, under the penalty of deprivation.

“ 16. That all presbyters and preachers shall exhort the

people to join with them in prayer, using some few and suitable expressions, and always concluding with the Lord's ^{I.} Prayer.

"17. That no person should teach either in public schools or private houses, unless licensed by the archbishop of the province, or by the bishop of the diocese, under their hand and seal; and that none are thus to be licensed unless men of orthodox belief, and conformity to the orders of the Church.

"18. That none should be admitted to read in any college without qualifying themselves by taking the oaths of allegiance and supremacy.

"19. That nothing shall be printed, unless first perused and allowed by the visitors appointed for that purpose; the penalty of contravention being left (as in all other cases where no penalty is expressed) to the discretion of the bishops.

"20. That no public fasts shall be appointed upon Sundays (as has been customary), and that the appointment of such humiliations be made by none but his majesty.

"21. That for administering the sacrament of baptism, a font shall be prepared and fixed near the church porch, according to ancient usage; that a fine linen cloth should likewise be provided for this purpose, and all decently kept.

"22. That a decent table for celebrating the holy communion should be provided, and set at the upper end of the chancel or church; that at the time of divine service, the table shall be covered with a handsome stuff carpet; and, when the holy eucharist is administered, with a white linen cloth; and that basons, cups, or chalices, of some fine metal, shall be provided to furnish the communion table, and used only for that purpose.

764.

"23. That such bishops and presbyters, as shall happen to die without issue, shall leave their effects, or a great part of them, to pious uses; and in case they had issue, they should bestow some legacies, as a mark of their affection, upon the Church, and for promoting the interest of religion.

"24. That no sentence of excommunication should be pronounced, or absolution given, by any presbyter, without the leave and approbation of the bishop; and that no presbyter should discover any thing told him in confession, to any person whatsoever, excepting the crime is such, that by the laws of the realm, his own life may be in danger by concealing it.

LAUD,
Abp. Cant.

“25, and lastly. That no person shall be admitted to holy orders, nor suffered to preach, catechise, administer the sacraments, or perform any other ecclesiastical function, without first subscribing the canons.”

And now to instance some of the particular objections, with reference to the twenty-five canons already recited. They complained that the first, the twelfth, and the thirteenth mounted the regale to an excessive pitch, and left the Kirk, and by consequence the Christian religion, at the mercy of the civil government; that the second, fourth, fifth, and fifteenth canons referred to the Book of Common Prayer, which was not yet finished, or at least not published. Now, the urging subscription to a book not extant, and which they had never seen, was tying them up too implicitly, and a hardship upon conscience and understanding. By what was enjoined in the sixth canon, they thought themselves obliged to resign too far to the judgment and authority of the bishops. The tenth canon, touching divorce, they conceived not well founded, because it gave no preference to the innocent party; but put both the injuring and injured under the same restraints. They disliked the sixteenth, pretending themselves bound to the form of bidding prayer, prescribed in our fifty-fifth canon; which was, in effect, they said, to subject them to the discipline of a foreign Church. Against the rest they remonstrated in general, that the bishops were established in too absolute a jurisdiction, and that papal idolatry was revived upon them. In short, their exceptions were some of them with, and some of them without reason. Thus far for the matter. But then, as for the manner, they had stronger colours for complaint; for they never were publicly debated in their assemblies; the passing them was never put to the question, but imposed without their consent. This method of proceeding, it must be said, was somewhat unprecedented, and contrary to the usage of the Church. These measures were extremely shocking in Scotland. In this kingdom the presbyters had formerly disowned the king's supremacy in the extent maintained by the canons: the ministers were so far from complying to this length, that they asserted an independent power in the Church for convening their assemblies; and that the decrees made there were binding without any confirmation from the crown.

*And the
manner of
imposing
these canons.*

And therefore, to have points of belief prescribed, and rules of religious practice set them by the prerogative, was looked on as intolerable vassalage. But not to insist any further upon these exceptions, it was thought by moderate people, that the publishing the canons before the Common Prayer was beginning at the wrong end; that the requiring submission to things unseen, alarmed the people to a jealousy of wild innovation,—gave them time to improve their prejudice, and form parties against the Liturgy when it appeared. Whereas, had the Common Prayer come out first, it might have met with a smoother passage, and the canons been less critically examined. CHARLES
1.

To go back to England. The last year, the archbishop receiving letters from the queen of Bohemia (as they called her), about promoting a collection for the banished ministers of the palatinate, solicited so strongly with the king, that he granted letters-patent to pass through the kingdom for this purpose. This brief being brought to the archbishop for direction and conveyance, he excepted against the wording of the following clause, which stands thus:—"Whose cases are the more to be deplored, for that this extremity is fallen upon them for their sincerity and constancy in the true religion, which we, together with them, professed, and which we are all bound in conscience to maintain to the utmost of our powers. Whereas these religious and godly persons, being involved among other their countrymen, might have enjoyed their estates and fortunes, if with other backsliders, in the times of trial, they would have submitted themselves to the Antichristian yoke, and have renounced or dissembled the profession of the true religion." Upon the reading this passage, there were two things which embarrassed the archbishop. *Archbishop
Laud pro-
motes a col-
lection for
the palatine
ministers.*

First. The religion of the palatine Churches was affirmed to be the same with ours. This assertion is what Laud could not digest. He knew the five points were held by these Reformers in the Sublapsarian sense; that these palatines maintained a parity in the clergy, in direct contradiction to the doctrine and government of the English Church; and that their professor of divinity, Pareus, formerly mentioned, asserts a power in the inferior magistracy, to control and resist the prince; and that this divine passing uncensured in his own country, was supposed to have delivered more than his private opinion. Now, not to repeat the rest, the archbishop was well assured this last *He excepts
against two
clauses in the
letters-pa-
tent, and
why.*

LAUD,
Abp. Cant.

765.

doctrine was point blank against the homilies ; in which resistance of the supreme magistrate is condemned in the most decisive terms imaginable ; and that without any exception or reservation whatsoever. For these reasons the archbishop did not believe this part of the clause defensible, “ that the religion of the palatines was the same with ours, and that we ought to maintain it to the utmost of our power.” To which may be added, that the palatine ministers were in the same condition with the Genevians. They had no episcopal ordination, by consequence are self-originated, and without any authoritative mission ; and being thus essentially defective in their character, what right can they pretend to represent our Saviour, and seal covenants in his name ?

The other exceptionable passage in the letters-patent, was calling communion with the Church of Rome “ an anti-Christian yoke.” Now, this has the appearance of an intemperate censure, and is more than is determined in the Church of England. Those who drew these letters-patent seemed not to have been aware that the orders in the Church of England are derived from the Church of Rome : if, therefore, the Church of Rome is an anti-Christian society, her authority is gone, and her privileges forfeited ; by consequence, she is in no capacity to convey sacerdotal power in ordinations. From whence the next inference is, that the benefit of the priesthood and the force of holy ministrations must be lost in the English Church¹. Upon these considerations, as may be reasonably conjectured, the archbishop was shocked with the brief ; and therefore, to prevent the mischief which might ensue, he acquainted the king with these crude passages. His majesty, being satisfied with Laud’s objections, gave orders for expunging the clause in a new draught. And now the letters-patent being couched in defensible expressions, the archbishop promoted the collection.

In July, this summer, a proclamation was published against profane swearing and cursing, pursuant to an act in the late reign. An office was likewise erected for receiving the penalty of the statute : the monies arising from thence were to be paid to the respective bishops, and distributed among the poor where the offender dwelt.

The king continued his care for recovering the clergy of Scotland to a competent maintenance, and retrieving the patri-

Cyprian.
Anglic.
July 26,
1635.
21 James 1.
cap. 20.
*Penalties of
act against
swearing
given to the
poor.*
Rushworth,
part 2.
p. 299.

¹ These remarks are worthy the consideration of certain denominations of the religious world.

mony of the Church ; but, to prevent hasty steps and uncautious management in that country, Laud wrote to the archbishop of St. Andrew's, to proceed warily, to wait for opportunities, and not precipitate matters : for that, at present, things were somewhat unripe, and not prepared for any free motion.

CHARLES
I.

Id. p. 314.

In the latter end of this year, Juxon, bishop of London, was made lord-treasurer : it was by Laud's interest the staff was put in his hand. This office, being a place of the greatest benefit in the kingdom, and not executed by a churchman since the reign of Henry VII., was grudged Juxon, and heightened the great men's disgust against Laud. However, the archbishop being well assured of Juxon's integrity, and believing his being put in this post would be a service to the exchequer and strengthen the Church's interest, he resolved to stand the event of recommending to so invidious a preferment. As for capacity to manage the business, Juxon was not ill furnished : for Laud, who had lately been joined in commission for the treasury, had given him instructions. And, as for the conduct of this bishop, he was every way equal to the employment, and managed to great commendation. But whether the archbishop found his account in bringing him to this place of trust and profit, will bear a question ; for some great courtiers, being disappointed in so considerable an expectation, disrelished the bishops, and fell off to the Puritan party.

Juxon,
bishop of
London,
made lord-
treasurer.

To conclude this year with the archbishop's account of the state of his province to the king. As to his own diocese, he complained "the French and Dutch Churches at Canterbury, Maidstone, and Sandwich, notwithstanding they made some show of conformity to his injunctions, had not complied so thoroughly as might reasonably be expected. In the diocese of London, Dr. Stoughton, rector of Aldermanbury ; Simpson, curate and lecturer of St. Margaret's, New Fish-street ; John Goodwin, vicar of St. Stephen's, Coleman-street ; and Viner, lecturer of St. Lawrence, in the Old Jewry, were convented for breach of canons. But, upon their promise of amendment and submission, the bishop proceeded no further against them. Most, if not all, of these men went into the rebellion afterwards, and were remarkable for their misbehaviour.

The arch-
bishop's
annual ac-
count of his
province.
See p. 96.

"The bishop of Lincoln certified, that he knew but one nonconforming clergyman in that large diocese. By the bishop of Bath and Wells' certificate to the archbishop, it appeared

LAUD,
Abp. Cant.

the diocese was brought forward to very good order. For instance, there was no single lecture in any corporation, but a combination of divines preached by turns ; and, over and above, the afternoon sermons were turned into catechizing in all parishes. Corbet, bishop of Norwich, being dead about half a year since, there was no certificate returned from thence ; but the archbishop, by his visitation, perceived the whole diocese was much out of order, and more especially at Yarmouth and Ipswich ; and that Ward, preacher at this last town, had been consured in the High Commission Court, for preaching against the Common Prayer Book, and other resembling misdemeanors. The bishops of Oxford, Sarum, Ely, Chichester, St. Asaph, and Bristol, certify an entire conformity of all the clergy, without so much as a single instance to the contrary. The bishop of Landaff found only two noted schismatics, Wroth and Erbury, who misled a great many ignorant people ; but, to check them in their course, articles were preferred against them in the High Commission. The clergy in the dioceses of Hereford, Winchester, Peterborough, Rochester, and Exeter, were regular and well managed, and paid a due submission to his majesty's instructions. The late bishop of St. David's (now translated to Hereford) complains, that few clergymen in that poor remote diocese were tolerably qualified to instruct the people. The bishop of Gloucester informs his metropolitan, that, upon the score of the great number of impropriations in his diocese, the clergy are very slenderly supported, and that their poverty draws them to popularity and faction. From the remaining bishops of Coventry and Lichfield, Worcester, and Bangor, the archbishop had received no certificate."

766.

Hist. of the
Troubles,
&c. of Abp.
Laud.

The beginning of the next year, a contest happened between the archbishop and the two universities, concerning the right of visitation. The archbishop claimed a right of visiting, upon the privilege of his see. The universities, on the other side, alleged this jurisdiction was vested in the king, upon the score of his being their founder. The cause was brought before the council-board, and stands thus reported in Laud's register :—

Fol. 246.
June 21,
at Hampton-
court.

*The arch-
bishop claims
a right to
visit both
universities,
"jure metro-
politico."*

" His majesty, sitting in council, was graciously pleased to hear and determine a difference and debate lately risen between the lord archbishop of Canterbury his grace, and the two universities of England, concerning the right of visiting the said

universities *jure metropolitico*, in the presence of the lord arch- CHARLES
 bishop of Canterbury, being also chancellor of the university of 1.
 Oxon, and of the earl of Holland, chancellor of the university
 of Cambridge, and of persons sent and authorized by each of
 the said universities, and of the counsel of all the said parties.

“ In the first place, it was of all sides acknowledged to be
 the undoubted right of the crown to visit the said universities,
 whensoever his majesty pleaseth ; and it was on all parts con-
 fessed, that the archbishop, in right of his metropolitical
 church of Canterbury, hath power to visit his whole province,
 in which the said universities are situate, and are under the
 same power, unless they could show privilege and exemption :
 which they then offered to show, but were not such as did or
 could give satisfaction. And his majesty, upon full hearing of
 the proofs on both sides, and great consideration had of them,
 declared that by no papal bull they could be exempted ; and
 likewise, that by none of their charters they were exempted.
 And, lastly, the omission of the archbishops to visit since the
 visitations showed unto his majesty, could no way, in this case,
 be a prescription to bar the right of the metropolitical see.
 But it appeared unto his majesty, for and in affirmance of the
 right of the archbishop, that actually both the universities had
 been visited by three of his predecessors *jure metropolitico*,
 and not by any legatine power ; and that the metropolitical
 right coming in question, upon the resistance of the university
 of Oxon to be visited by the archbishop, it was upon great
 advice and full hearing of both parties adjudged for the
 archbishop, by his majesty’s predecessor, king Richard II. ;
 and afterwards, upon a like re-hearing and re-examination,
 adjudged and affirmed by king Henry IV. ; and both of their
 judgments, upon a third and full re-examination, established by
 act of parliament, 13 Hen. IV., now showed by the archbishop
 under the great seal of king Henry IV. And the archbishop
 produced before his majesty the original renunciation of all
 privileges from any pope, by the university of Cambridge,
 under the hands of heads of houses there. Upon which right,
 so clearly appearing both by practice and resolution of the
 kings and parliament, his majesty, with the advice of his
 council, declared and adjudged the right of visiting both the
 universities as universities, and the chancellors, scholars, their
 servants, and others, enjoying the privilege of the said univer-

*Judgment
 given for
 him by the
 king and
 council.*

LAUD,
Abp. Cant.

sities, to belong to the archbishop and metropolitan church of Canterbury, by themselves or commissaries, and that they shall be from time to time obedient thereunto; whereupon the archbishop made an humble motion to his majesty, first for himself, that he would be graciously pleased that he might have this sentence drawn up by advice of his majesty's learned council, and put under the broad seal, to settle all differences that might hereafter arise; then, on the behalf of both the universities, that, though they were to be visited by the archbishop and his successors, yet that they should not be visited by the bishop of the diocese or the archdeacon, but should perpetually remain free and exempt from the visitation and jurisdiction of the bishop and archdeacon of the places where they are. But then, since it was declared his right to visit *metropolitice*, and that it was not limited by law how often he might visit, therefore (notwithstanding the late custom of visitation *semel in vita tantum*) he might visit the universities by himself or his commissaries as often as any great emergent cause should move him thereunto; provided that neither the said archbishop nor any of his successors (after his first visitation) shall visit on such emergent cause, unless the said cause be first made known to his majesty and his successors, and approved by him or them. All which was graciously granted by his majesty, and so settled.

“And lastly: whereas it was alleged, that the chancellors of either university were, and are like to be, persons of great honour and eminency, and therefore it might be inconvenient that they should be called to such visitations, it was declared by his majesty that such inconvenience would easily be helped, for that in course of law the chancellor would be allowed to appear by his proxy.

“EXR. ED. NICHOLAS.”

This decision fortified the archbishop's character, and made him more regarded in both universities: even in Cambridge, where his authority was less, his measures for conformity were better pursued; the communion-tables in the university-church and several college-chapels were railed in; the ornaments were richer, and the worship more solemn, than formerly. In Oxford, where Laud was chancellor, he met with no difficulty: here his motions were smooth and strong, and everything

answered to inclination. I have already just mentioned the CHARLES
1.
p. 47. archbishop's drawing a body of statutes for this university. He found the old regulations grown unserviceable, partly by the alterations in religion, and partly upon the score of long disuse. Besides, they wanted consistency in the sense, and order in the digestion. To remedy this obscurity and confusion, the bishop directed their being reviewed, cleared of contradiction, and thrown into a new form. When this was done, and the draft received in convocation, he got them confirmed under the broad seal. For this favour the university returned him thanks in a Latin letter very handsomely penned.

June 23.
Hist. of
Abp. Laud,
&c. vol. 2.
p. 96.
*Statutes of
the univer-
sity of Oxon
reformed
and con-
firmed under
the broad-
seal.*

To proceed: the reading the king's declaration about lawful sports stuck with many of the clergy: their meaning, it is likely, might be fair, but they were not sufficiently enlightened to master their scruples. Their being prosecuted in the consistories and High Commission, for their refusal, brought the government and bishops under no kind representation. Now, to clear the Church and State from imputations of rigour, the bishops made a sort of defence for the crown and themselves, and alleged the reasons for enjoining the clergy the reading this declaration.

*The bishops'
defence for
enjoining the
king's decla-
ration for
sports.*

First, In justification of the king, they argued that the orders of a prince, when not evidently repugnant to the Holy Scriptures, or the law of nature, (I think it might be added, or the laws of the realm,) are precisely to be obeyed.

Secondly, That a possible and remote inconvenience, resulting from compliance, is not a sufficient discharge. For every good subject ought to suppose, that his prince, with the assistance of his council, is in a better condition to foresee disadvantage, and guard against ill consequences, than himself.

Thirdly, By disobeying our prince, where the command is lawful, we run ourselves upon a certain sin; but this is ruinous obstinacy, and ought not to be ventured on for preventing inconveniences. Thus far the apology for the crown, if we may call it so.

In defence of themselves, the bishops alleged, that they received an order from the king for publishing the declaration in their parish churches. Now who could the bishop lay their commands upon, for this purpose, excepting the clergy? And whereas it was objected, no penalty was laid upon the refusers: to this it was answered, some penalty, though not expressed, was evidently implied; for that otherwise the order would be pre-

LAUD,
Abp. Cant.

carious, and given to no purpose. And, lastly, it was urged, that there was nothing in the declaration, that was plainly contrary either to the word of God, the canons of the Church, the laws of the land, or the practice of the reformed in other countries. That if some men's scruples suggested otherwise, public regards, and the interest of society, would oblige them to acquiesce. That if it was lawful for private persons to indulge their doubts, and suspend their obedience, the functions of government would be lamentably embarrassed. And they urged further, that a sheriff, by his office, is bound to publish his majesty's proclamations, though it were for the apprehending his own father, or though it contained matter unserviceable to the public. That a priest may, without wrong to his conscience, pronounce an excommunication legally put into his hands, notwithstanding he is convinced the party is unjustly excommunicated. That when the emperor Mauritius made an order that no soldier should be admitted into any monastery; and enjoined the publication of this edict upon Gregory the Great: the pope, upon the score of his being the emperor's subject, dispersed the order through his jurisdiction, notwithstanding he believed it an unlawful command. But then, it must be observed, that at the same time, when this pope published the order in duty to his prince, he remonstrated to the matter, and openly declared the unlawfulness of it. Lastly, St. Austin, in his book against Faustus, the Manichee, gives a resolution which seems to fit the case, that a Christian soldier, under a Heathen prince, may lawfully pursue his profession, and obey his superior officers, though he has no clear proofs of the justice of the war, or the serviceableness of the orders received. These reasons, though not without their effect, fell short of giving general satisfaction¹.

Greg. Mag.
lib. 2.
epist. 61.
Cap. 75.

See p. 82. 150.

The king, as has been observed, designed to introduce the English Liturgy in Scotland: to recommend it to that nation, the daily reading of it was ordered in the chapel at Holyroodhouse. But Ballantine, bishop of Dumblain, proceeding negligently in this affair, Laud thought it necessary to provide another better disposed. And thus, when the see of Aberdeen fell void, he got him translated thither, and procured his preferments for Dr. Weederburn, a Scotchman by birth, but bred and beneficed in England: this new dean pursued the

*The Scotch
Liturgy
drawn up in
Scotland.*

¹ An exceedingly strong declaration in favour of the royal prerogative, and the obedience due to it by ecclesiastical and civil powers.

king's instructions, and might probably have succeeded, if the rest of the Scotch bishops had fallen in with him. But these prelates moving for a distinct Liturgy, upon the reasons abovementioned, his majesty commanded the archbishop of Canterbury to assist them : Laud deferred concerning himself in this affair, in hopes of prevailing with them to drop their motion, and acquiesce in the English book. But perceiving them fixed in their resolution, he contributed his assistance : to bring him forward, he was strongly solicited by letters brought him by Maxwell, bishop of Ross, and signed by the archbishops of St. Andrew's and Glasgow ; by the bishops of Murray, Dunblain, and Brechin. The scheme of this performance being first struck out, and filled up in Scotland, and from thence transmitted to the court, his majesty referred the review to the archbishop of Canterbury, the lord-treasurer Juxon, bishop of London, and Wrenn, bishop of Norwich : but Juxon having his hands full of his own business, the matter rested with the other two. Upon the perusal of the book, they perceived that Weederburn had worked by some directions given him at London, and gone mostly upon the model and form of the English service. There was likewise a paper sent up, containing some alterations to be inserted, provided they were approved by his majesty. To mention some of them : it was proposed, " That the Magnificat, and the rest of the Hymns, together with the Epistles and Gospels, should be printed according to the last translation in the reign of king James : and that this might be done pursuant to such directions as they had received for printing the Psalms of David in the last translation. That for the better singing of those Psalms to the organ, a colon should be made in the middle of every verse, as it stands in the English. That every prayer, or office, through the whole Communion, should be named in the rubric before it, that the parts of the service might be better distinguished to the congregation. That the Invitation, Confession, Absolution, Sentences, Prefaces, and Doxology, should be set in the same order they stand in the English Liturgy : and that the prayer of Humble Access to the holy table might stand immediately before receiving." These suggestions for alterations were passed by the archbishop and bishop Wrenn, and afterwards signed by his majesty.

CHARLES
I.

*Reviewed by
the arch-
bishop of
Canterbury
and the
bishop of
Norwich.*

*How far it
is different
from the
English
Common
Prayer.*

768.

Further, Weederburn acquainted the archbishop with some

LAUD,
Abp. Cant.

Rushworth.

defects in the Scotch ordinal: as, first, that the order of deacons was made no more than a lay office. And secondly, in the admission to the priesthood, the essential words for conferring orders were omitted. When the king understood their book for consecrating and ordaining bishops and priests, &c. was thus remarkably short, he commanded Laud to give them the choice of this alternative; either to admit the English book, or else rectify their own, in those two important instances: and when the book was ready to be published, his majesty sent the archbishops and bishops fuller instructions upon this affair: "First, he requires them to take care that the proclamation for authorizing the service book should not be drawn to the prejudice of his prerogative royal. Secondly, that in their calendar they should retain such catholic saints as were in the English book. That some of the Scottish nation, eminent for their sanctity, especially those of the blood royal, and some bishops, of the best distinguished and most primitive character, should be inserted." The saints added through the months in the Scotch calendar, are these: January 11th, David, king; January 13th, Mungo, or Kentigernius, bishop; February 18th, Colman; March 11th, Constantine III. king; March 17th, Patrick; March 20th, Cuthbert; April 1st, Gilbert, bishop; April 20th, Serfe, bishop; May, none; June 9th, Columba; July 6th, Palladius; August, none; September 13th, Ninian, bishop; September 25th, Adaman, bishop; October, none; November 16th, Margaret, queen; November 27th, Ode, Virgin; December 4th, Drostane.

Oct. 18,
A. D. 1636.

To go on with the king's instructions: the archbishops, &c. are required, "that in their book of ordination, in giving orders to presbyters, they should keep the words of the English book without change, 'Receive the Holy Ghost,' &c. Fourthly, That amongst the lessons, ordinarily to be read in the service, the first, second, third, fourth, fifth, and sixth chapters of Wisdom; and the first, second, fifth, eighth, thirty-fifth, and forty-ninth chapters of Ecclesiasticus, should be put in the calendar. Fifthly, That every bishop shall have the service read twice a day in his family; and that all archbishops and bishops shall oblige all universities and colleges within their dioceses to the same frequency and form of devotion. Sixthly, That the preface to the book of Common Prayer, signed by his majesty, and the proclamation for

authorizing the same, shall be printed in the book of Common Prayer." CHARLES
I.

To go on with the remaining alterations: the word 'priest' in the English Common Prayer book, being offensive to the Scotch Novelists, 'presbyter,' which is the same in sense, was used instead of it¹. In the office for public baptism, this sentence inclosed in crotchets is added; "Sanctify this fountain of baptism, thou which art the sanctifier of all things." By the rubric the water in the font was to be changed twice a month at least; and then those words were to be pronounced by the presbyter.

The main alterations stand in the Communion Service, where there are several additions, transpositions, and one remarkable omission; I shall give them the reader in their order. After the reading the Epistle, the rubric directs the people to stand up and say, "Glory be to thee, O Lord." And after the reading of the Gospel, the people in a standing posture are ordered to say, "Thanks be to thee, O Lord," in the prayer "for the whole estate of Christ's Church militant here on earth."

When the holy eucharist is celebrated, this sentence is added: "And we commend especially unto thy merciful goodness, the congregation which is here assembled in thy name, to celebrate the commemoration of the most precious death and sacrifice of thy Son and our Saviour Jesus Christ." Towards the end of this prayer the English form is changed thus: "And we also bless thy holy name for all those thy servants, who having finished their course in faith, do now rest from their labours: and we yield unto thee most high praise and hearty thanks for the wonderful grace and virtue declared in all thy saints, who have been the choice vessels of thy grace, and the lights of the world in their several generations; most humbly beseeching thee, that we may have grace to follow the example of their stedfastness in thy faith, and obedience to thy holy commandments, that at the day of the general resurrection, we, and all they which are of the mystical body of thy Son, may be set on his right hand, and hear that his most joyful voice, Come, ye blessed of my Father, inherit the kingdom prepared for you from the foundation of the world. Grant this," &c.

When there is no communion, this sentence is omitted.

Immediately after the Doxology, "Therefore with angels and archangels," &c. the Consecration Prayer followeth: where

¹ Priest and presbyter are not the same in sense, or in reality.

LAUD,
Abp. Cant.
Scotch Book
of Common-
Prayer; and
see my
remarks
above on
the first
Liturgy in
the reign of
king Edw. 6.
769.

the rubric directeth the presbyter to stand at such a part of the holy table, where he may with the more ease and decency use both his hands. In the prayer, this ancient clause for invoking the Holy Ghost is inserted: "Hear us, O most merciful," &c.; "and of thy almighty goodness vouchsafe so to bless and sanctify with thy Word and Holy Spirit these thy gifts and creatures of bread and wine, that they may be unto us the body and blood of thy most dearly beloved Son."

The next which follows is that which the rubric calls the Memorial, or Prayer of Oblation. It begins thus: "Wherefore, O Lord and heavenly Father, according to the institution of thy dearly beloved Son, our Saviour Jesus Christ, we thy humble servants do celebrate and make here before thy Divine Majesty, with these thy holy gifts, the memorial which thy Son hath willed us to make, having in remembrance his blessed passion, mighty resurrection, and glorious ascension, rendering unto thee most hearty thanks for the innumerable benefits procured unto us by the same." The rest of this prayer is the same with that of the English book in the post-communion, which begins thus: "O Lord, we thy humble servants, entirely desire thy fatherly goodness mercifully to accept," &c.

After this Memorial or Prayer of Oblation, the Lord's Prayer followeth. The next is the Collect of Humble Access, which, though changed in the order, is the same in words with that in the English Liturgy, which begins thus: "We do not presume to come to this thy table, O Lord," &c.

The Benediction, as the Scotch rubric calls it, or the words pronounced by the presbyter at receiving or giving the consecrated elements, stand as they did in the first Liturgy made in the reign of king Edward VI., viz.: "The body of our Lord Jesus Christ, which was given for thee, preserve thy body and soul unto everlasting life. The blood of our Lord Jesus Christ, which was shed for thee, preserve thy body and soul to everlasting life." At the end of each of the benedictions, the rubric requires the person receiving to say "Amen."

When all the communicants have received, this Collect of Thanksgiving is said by the presbyter: it begins, "Almighty and everliving God," &c.; and is the same with that in the English Liturgy. After this, the Gloria in Excelsis is said or sung: "Glory be to God on high, on earth peace," &c., as we have it. The office concludes with the bishop or presbyter's

blessing : " The peace of God, which passeth all understand- CHARLES
 ing," &c. And thus I have gone through the alterations. I.
 The rest of the book is the same with the English Common
 Prayer, only there is some difference in disposing what was
 offered at the holy eucharist : the Scotch rubric assigning one-
 half of this to the presbyter for providing him books of
 divinity ; the other moiety was to be spent in furnishing the
 Church, or relieving the poor, at the discretion of the pres-
 byter and churchwardens.

The proclamation for authorising the book stands thus :—

" Charles, by the grace of God, king of Great Britain, France, *The king's*
 and Ireland, defender of the faith. To our lovits, mes- *proclama-*
 sengers, our sheriffs in that part, conjunctly and severally, *tion for*
 specially constitute, greeting, *authorizing*
the book.

" Forasmuch as we, ever since our entry to the imperial crown of this our ancient kingdom of Scotland, especially since our late being here in the same, have divers times recommended to the archbishops and bishops here the publishing of a public form of service, in the worship of God, which we would have uniformly observed therein. And the same being now condescended upon, although we doubt not but all our subjects, both clergy and others, will receive the said public form of service with such reverence as appertaineth : yet thinking it necessary to make our pleasure known, touching the authorising of the book thereof,—

" Our will is, and we charge you straitly and command, that incontinent these our letters seen, you pass, and in our name and authority command and charge all our subjects, both ecclesiastical and civil, by open proclamation at the market-crosses of the head boroughs of this our kingdom, and other places needful, to conform themselves to the said public form of worship, which is the only form which we (having taken the counsel of our clergy) think fit to be used in God's public worship in this our kingdom, commanding also all archbishops and bishops, and other presbyters and churchmen, to take a special care that the same be duly obeyed and observed, and the contraveners condignly censured and punished, and to have special care that every parish, betwixt this and Pasch next, procure unto themselves two at least of the said books of Common Prayer for the use of the parish. The which to do,

LAUD,
Abp. Cant.

we commit to you conjunctly and severally our full power, by these our letters, delivering the same by you duly execute and endorsed again to the bearer.

“ Given under our signet at Edinburgh the 20th day of December, and of our reign the twelfth year, 1636.

“ Per actum Secreti Concilii.”

It is generally clamoured against by the Scots.

Before this proclamation was published, the Scotch took the alarm, clamoured every where against the book, and discovered the strongest aversion; prejudice of education, and ignorance of primitive practice, made them easily imposed on. Besides those who were misled by principle, there were not a few who seemed governed by interested views. The late commission of surrenders was hard of digestion; for let the title be never so objectionable, people oftentimes are unwilling to let go their hold, and part with unjust acquisitions. These men had no prospect of recovering their prey in times of public repose: this made them watch all opportunities to embarrass the administration, and distress the Church and the crown: their business was to inflame discontents, to make the ferment boil over, and blow up the people to sedition. In short, these men of design joining the Presbyterian party, made the generality believe religion lay at stake, that Laud, and some of their own bishops, had concerted a project to revive popery, and bring the mass-book upon them. This report caught upon the populace, heated them almost to madness, and brought them entirely into the measures of the malcontents. Their understandings being thus seized, and their passions at the direction of their managers, the suppressing the book was thought the only expedient to prevent a commotion and bring them to temper. The archbishop of St. Andrew's, and some of the most prudent of his brethren, were of this opinion. They wrote to the archbishop of Canterbury to solicit the king, that the publishing the book might be postponed to a more seasonable juncture. This advice might probably have been followed in case the Scotch bishops had been better agreed, and acted unanimously: but some of those of this order lately preferred, having an overbalance of heat and spirits, refused to concur with their brethren of better experience. Instead of managing with this precaution, they went in with the earl of Traquair's sentiment, and pressed for execution and despatch.

By the way, this nobleman, who was lord-treasurer, had a CHARLES deep design, which they were by no means aware of. His L. business was to promote unacceptable measures, to push things 770. to extremity, and ruin the bishops. He was apprehensive, it The reasons of this dislike. seems, these men might grow too big for his interest; and particularly that Maxwell, bishop of Ross, endeavoured to supplant him in his post, and grasped at the treasurer's staff: Guthrie's Memoirs. and believing the rest of the bishops inclined to second Maxwell in his ambition, he proved a mortal, though a secret See p. 164. enemy, to the whole order. And now the opportunity presenting fair, he prevailed with some of the most sanguine to give him their letter to the archbishop of Canterbury. Thus furnished, his lordship posted to court, told Laud there was no reason to be apprehensive of danger; that the old bishops were men of phlegm, and overgrown with spleen and timorousness. That if Laud could prevail with the king to trust this earl with the execution, he would venture his life to go through with the business, without any considerable ruffle. Laud not suspecting the treasurer's integrity, especially being recommended by letters from those bishops he confided in; Laud, I say, for these reasons, not suspecting any design, was much affected with Traquair's report: and though he did not think it proper this affair should be managed by a layman, yet he procured himself a warrant from the king to command the Scotch bishops to go forward with the undertaking at the utmost hazard; threatening them withal, that in case they moved languidly, and threw in unnecessary delays, the king would remove them, and fill their sees with men of more zeal and resolution. This order was executed: but the report of See p. 140. the event must be respite to the next year¹.

In the mean time, it may be observed, that the manner of The manner of bringing in the Scotch Common Prayer unacceptable. introducing this Common Prayer was somewhat extraordinary, and gave a plausible colour for disgust; for it was never laid before the representing part of the Church, nor passed in a general assembly. The Scotch presbyters could never be reconciled to this method, and thought the authority of the Church would be entirely lost by thus resigning to the regale. Further, they were not a little prepossessed against the use of the liturgy: and more than that, they neither liked a

¹ Laud always remembered the first clause of the axiom, "fortiter in re—suaviter in modo." Had he remembered the second, he might have saved the constitution.

LAUD, form so resembling the English book, and much less the alterations.
Abp. Cant.

*Archbishop
Laud's de-
fence of some
passages in
the Scotch
Liturgy.*

These alterations being afterwards charged upon Laud by the Scotch commissioners, I shall mention his defence of some passages. First, he takes notice these commissioners fall short in their proof that this affair was governed by his direction: having premised this, he proceeds to answer what was objected from the matter. The commissioners urged that the changes and supplements in the Scotch Common Prayer-book are taken from the mass-book and other Romish rituals; and that by these the book is made to vary from the book of England. In answer to these objections, the archbishop replies, "that the Church is only burnished and refined by the Reformation, and not melted down and made a new one. That all regular and defensible reformation retrenches nothing but error and wrong practice, and leaves unaltered whatever will bear the test. That if these variations from the English service are good, it is no matter whence they are taken. That every part of the missal, or other popish rituals, are not corruptions. That there are many good prayers in them, neither is anything ill merely because it is there. That provided there is nothing superstitious or unlawful retained, the less alteration in the ancient service of the Church the better." To this he adds, "that these variations were either taken from the first book in Edward VI.'s reign, which is no popery; or else from some ancient liturgies, which stand clear from all such imputations."

*Hist. of the
Troubles,
&c. of Abp.
Laud, p. 113.*

The next thing which I shall mention, objected by these commissioners, is the Scotch book's inverting the order of the communion in the English Liturgy. To this the archbishop replies, "that changing the order, either in the Communion-office, or any other part of the service, is no disimprovement of the prayers, or any corruption of the worship. For, provided the prayers are all good, the method of their standing cannot make them otherwise, unless where the order is essential to a right performance. For instance, if the Absolution was read before the Confession, in such cases, changing the order would affect the quality of the service." And to come closer, though he does not find fault with the order of the prayers as they stand in the Communion-book of England, ("for God be thanked," says he, "it is well,") yet if they will press him to a comparison, he believes the Scottish Liturgy

ought to have the preference: that this latter comes nearer CHARLES I.
 the primitive Church; and for this he appeals to the judgment
 of the learned. From hence he infers a great deal of obstinacy
 and weakness in calling this a new communion, only because
 some of the prayers are removed from their former situation.

Thirdly, (which is the last objection I shall report) the
 commissioners urged the oblation of an unbloody sacrifice, and
 this they pretend is Bellarmine's doctrine. To this the arch-
 bishop's answer is, "that if Bellarmine means no more by the
 oblation of the body and blood of Christ than a commemora-
 tive representation of that great sacrifice upon the cross, the
 cardinal is in the right, as bishop Jewel freely acknowledges.
 As for the oblation of the elements, that is fit and proper," as Id. p. 124.
 the archbishop continues, "and that he is sorry it is not in the
 book of England¹."

As to the unacceptable method of bringing in the Scotch
 Common Prayer, it is rather to be charged upon the bishops
 of that nation. For when the direction of this affair was de-
 bated, archbishop Laud advised the Scotch prelates to move
 with great precaution, to govern themselves by the advice of
 the lords of the secret council, and do nothing that might
 clash with the laws and constitution of that kingdom. But
 these bishops, it seems, thought themselves obliged to run a
 new course, and cross upon the custom of the Church. They
 durst not trust their clergy with this affair, nor venture the
 book with a general assembly.

The English Puritans, finding the Scotch disconcerted, *Bastwick, Burton, and Pryn, write libels against the hierarchy.*
 struck in with the humour, and played their libels upon the
 hierarchy. Bastwick, a doctor of physick, led the way in a
 pamphlet, entitled "Flagellum Episcoporum Latialium;" in
 which he asperses the bishops' conduct, and taxes them with
 an inclination for popery. But this book being written in
 Latin, and therefore not likely to spread the infection so suc-
 cessfully, he recollected himself, and, like Rabshakeh, railed in
 the vulgar tongue. However, this second pamphlet, called his 771.
 "Litany," had nothing extraordinary in it but coarseness and
 malice. And that Bastwick might not stand single in the
 field, Pryn takes care to reinforce him in two tracts, published
 this year: one is entitled "The Quench-Coal," in answer to "The
 Coal from the Altar:" the other was called "The Unbishop-
 ing of Timothy and Titus." The design of it was to disprove

¹ Vide Collier's tracts in his controversy with Spirkles.

LAUD,
Abp. Cant.

Prov. xxiv.
22.

1 Edw. 6.
cap. 2.

the apostolical institution of diocesan bishops. Burton, parson of St. Matthew, Friday-street, London, came into the cause with somewhat more force and equal assurance. This divine, preaching in his parish on the 5th of November, took these words for his text: "My son, fear thou the Lord, and the king, and meddle not with them that are given to change." In this sermon he insulted the bishops in the most scurrilous language, and accused them of the deepest prevarication. He lays innovation both in doctrine and worship to their charge. That they encroached upon the civil constitution, carried their jurisdiction over the laws, and broke through an act of parliament. That they had falsified the records of the Church, and stuffed in the first clause of the twentieth article. In short, he arraigns them for notorious oppression; flourishes upon the fortitude of those who have withstood their impositions; animates the people to remonstrate against them, and seems contented to run the utmost risk to undo them.

Being imprisoned by the High Commission for this scandalous invective, he appeals to the king, justifies his sermon in an apology, and afterwards addresses the nobility. In this last application he exhorts all degrees of people to appear resolutely in defence of the gospel against the bishops. And, lastly, he prints these discourses together, with a dedication to the king. Here he endeavours to prepossess the king with an ill opinion of the bishops' conduct. He tells his majesty their management tends only to create a misunderstanding between him and his people; to alienate the affection of his good subjects, and draw an odium upon the government. That it was the business of these factors of Antichrist to break the public union, and subvert the constitution, that they might erect the throne of Antichrist upon the ruins. That the subversion of the Gospel, the rebuilding Babel, and the bringing in of popery, was the chief design of the prelates and their party: and that all their innovations, encroachment, and dangerous practice, were only introductive to this business. In his sermon, which from the text he mis-entitles, "for God and the king," he makes a tragical complaint of persecution in Norfolk and Suffolk. "That in those counties (where Wrenn was now bishop) they had made the greatest havoc of good ministers, that had been known within the memory of man: that three-score were already suspended in that single diocese. And that by Christmas next, betwixt three or four-score more

must either take leave of a good conscience, or else be thrown out of their function and subsistence. And, lastly, that in all queen Mary's reign, the faithful ministers of God were not harassed to this degree (in so short a time) in any diocese, or in the whole kingdom." Wrenn, to wipe off this calumny, and rescue himself from so ugly an imputation, ordered his registers to be examined: and upon inspecting the records of his court, it was found there was not above thirty clergymen, lecturers included, that lay under any sort of ecclesiastical censure. That of these but sixteen were suspended; and of these sixteen, eight had their restraints discharged, and were referred to a further time of trial. Burton's clamour of persecution might be disproved through several other particulars: but this may be sufficient to discover what credit is to be given to this reporter.

Archbishop Laud, in his annual account of his province, informs the king, "that the Walloons, and other foreigners in his diocese, especially at Canterbury, came orderly to their parish churches, and conformed to his injunctions, within the limitation allowed by his majesty. That in the diocese of London the lord bishop acquainted him with three gross misdemeanours: that Dr. Cornelius Burgess was one instance of this misbehaviour: that this divine, in a Latin sermon before the London clergy, had thrown out several insolent passages against the bishops and government of the Church, and refused to give his diocesan a copy of the discourse." That one Mr. Wharton, a minister in Essex, had made an indiscreet and scurrilous discourse in the pulpit at Chelmsford: but that, upon receiving a canonical admonition, he had been brought to a submission.

Cyprian.
Anglic.
Archbishop
Laud's annual account
of his province.

The third misdemeanour, which the bishop of London complained of, was the late dispersing of some factious and malicious pamphlets against the government of the bishops, and ecclesiastical constitution. And that his lordship further certifies, he has good ground to believe these virulent libels are written, or at least countenanced and dispersed by some of the clergy of his own diocese.

The bishop of Norwich certifies he found a general defect of catechising quite through the diocese; but has now settled that matter. That in Norwich, where there are thirty-four churches, there was no preaching on Sunday morning, except-

LAUD,
Abp. Cant.

January,
A.D. 1636-7.

ing in four; the sermons being put off until the afternoon, and catechising omitted; but that he had broke this ill custom.

That lectures were very frequent in Suffolk, and many of them set up by private gentlemen, without either consulting the ordinary, or observing the canons and discipline of the Church. That the bishop had brought several of these to a due regulation, and particularly in Bury St. Edmund's. That Mr. Ward, lecturer at Ipswich, standing censured in the High Commission, and refusing to submit, the bishop was willing to allow them another, upon application: but they resolved to have Mr. Ward or none, in contempt, as it was thought, of the censure.

The lecture at Yarmouth occasioned a great deal of misunderstanding in that town: but now that exercise being silenced, the place was quieted, and the orders of the Church observed. As for the lecturers in the country, they generally run riot, and live wide of discipline. However the bishop treats them with temper, upon conformity. His lordship (Wrenn) craves direction, what is to be done with such scholars, some in orders, some not, which gentlemen of figure entertain in their houses, under pretence of teaching their children. He likewise complains that some beneficed divines live in the houses of the rich laity, and not upon their cures. As to this, the archbishop is of opinion the beneficed men should be enjoined residence: and for the rest, his majesty's instructions ought to be pursued, and none allowed to keep chaplains, but such as are qualified by law. However, he humbly refers the whole to his majesty's pleasure. To this the king answers in these words; "I approve your judgment in this. I only add that care must be taken, that even those qualified by law keep none but conformable men."

This annual account reports the rest of the dioceses in good order; with this exception, that in the Welch dioceses, the discipline of the Church was overborne by the court of marches. And that from the sees of Rochester, Gloucester, Bristol, Coventry and Lichfield, no certificates were returned.

This year bishop Williams published his tract entitled, "The Holy Table, Name and Thing," in answer to "The Coal from the Altar." In this book the author has some glancing strokes against bowing at the name of Jesus, worshipping towards the east, and praying conformably to the canon; and makes re-

Hist. of the
Troubles,
&c. of Abp.
Laud.
3 m p. 44

moving the communion table to the place where the altar stood, a step introductive to popery: and that these new reformers (as he calls those of Laud's sentiment), when they had carried the outworks of religion, intended to attack the main fort. The learned Heylin, by the king's order, answered this book in a tract entitled, "Antidotum Lincolnense." And some few months after published a reply to Burton's libel: it is called, "A brief and moderate Answer to the seditious and scandalous challenges of H. B." &c. About the same time two other books appeared in defence of the bishops' proceedings. One was a further answer to the bishop of Lincoln's "Holy Table," &c.; it was entitled, "Altare Christianum," and written by one Packlington, beneficed in Bedfordshire: the other, published against Burton, by Dow of Basel in Sussex, had the title, "Of Innovations unjustly charged," &c.

This year one Adams, preaching in St. Mary's church, before the university of Cambridge, on these words, "Whosoever sins ye remit, they are remitted," &c. asserted the necessity of confession to a priest, in expressions somewhat unusual since the Reformation. For instance, "That particular confession to a priest, of all sins committed after baptism, so far as our memory reaches, is necessary to salvation. That this is the doctrine not only of the schoolmen, but of the fathers, and almost all antiquity. That such confession is necessary, not only *necessitate precepti*, but also *necessitate medii*: so that by the ordinary revealed means appointed by Christ, there can be no salvation without it. And that where the juncture makes it impracticable, we are obliged to a resolution of doing it at the next opportunity. That God, having an aversion to all sin, will not pardon any breach of duty, in case we willingly conceal it from the priest's knowledge. That confession is no less necessary to salvation than the sacrament of baptism. That since our Saviour erected a court, where sins should be discharged or censured at the discretion of his ministers, (as it is evident by the text he has done): the inference is, that it was plainly our Saviour's intention the faithful should be obliged to confess all their sins to the priest, as far as their recollection could serve them; and that their pardon was suspended upon this condition. This he conceived was the doctrine of the Church of England, con-

CHARLES
I.

A.D. 1637.

John xx. 23.

Adams's
sermon at
Cambridge
touching
confession.

LAUD,
Abp. Cant.

tained in her Liturgy." He maintained farther, "That confession was a duty of far more antiquity and extent than popery. That it was instituted by our Saviour, practised by the apostles, by the holy fathers, and all the succeeding ages of the Church: and therefore, though the Papists use it, it cannot be called a point of popery, as some would have it. What! (says he) shall the errors in some tenets prejudice the truth in this? What! shall we refuse the grape, because the stalk is withered? This were a puritanical novation-nicety. I never heard of any thing but a foolish cock that ever refused a gem, though in a dunghill."

There being more passages to this effect, Dr. Ward, Dr. Love, Dr. Brownrig, and Dr. Holdsworth, were disgusted with the discourse, and convented Adams before the heads, who perused a copy of the sermon. After this, the vice-chancellor, Dr. Brownrig, drew up a recantation, enjoining the preacher to speak it publicly, to take off the scandal he had given. The form is as follows:

"Whereas, &c., on Sunday, the 25th of June last, in my public sermon on these words (St. John xx. 23), 'Whose sins ye remit, they are remitted, and whose sins ye retain, they are retained,' I delivered this doctrine: that a special confession unto a priest (actually, where time or opportunity presents itself, or otherwise in explicit intention and resolution) of all our sins committed after baptism, so far forth as we do remember, is necessary unto salvation; not only *necessitate præcepti*, but *necessitate mediæ*; so that, according to the ordinance, or revealed means appointed by Christ, there can be no salvation without the aforesaid confession. Upon more mature thoughts, and better information, I do find that this doctrine then delivered was both erroneous and dangerous, having not warrant from the Word of God, and crossing the doctrine of our Church; as may appear by her Liturgy in the second exhortation of the Communion, and in the Visitation of the Sick, and in the second part in the Homily of Repentance. As therefore in general I do acknowledge, in the words of the aforesaid homily, that it is most evident and plain, that this auricular confession hath not its warrant in God's Word, and that therefore, being not led with conscience thereof, if we with fear and trembling, and with a contrite heart, use that kind of confession which God doth command in

his Word (namely, an unfeigned confession unto Almighty God himself), then, doubtless, as he is faithful and true, he will forgive us our sins, and make us clean from all our wickedness; so in the case of a troubled or doubtful conscience, I do conform my opinion unto the direction of our Church, which in her Liturgy doth exhort and require those whose consciences are troubled with any weighty matter, to a special confession; so that they who cannot quiet their own consciences are to repair to their own, or some other discreet and learned minister of God's Word, to open to them their grief, that so they may receive such ghostly counsel, advice, and comfort, as their consciences may be relieved, and by the ministry of God's Word, the benefit of absolution to the quieting their conscience, and the avoiding of all scruple and doubtfulness; since it is against true Christian liberty, that any man should be bound to the numbering of his sins, as it hath been heretofore in times of ignorance and blindness. This I do acknowledge to be the doctrine of the Church of England, concerning confession; and to it I do, *ex animo*, subscribe, and am heartily sorry for whatever I have delivered to the contrary."

Adams refusing to retract, and saying he was not conscious of advancing anything contrary to the doctrine of the Church of England, it was put to the vote by the heads of the university, whether this recantation should be put upon him or not. Dr. Ward, Dr. Bainbridge, Dr. Love, Dr. Holdsworth, and the vice-chancellor, voted on the affirmative side of the question; but Dr. Collins, Dr. Smith, Dr. Cumber, Dr. Cosins, Dr. Lany, Dr. Martin, Dr. Stern, and Dr. Eden, voting for the negative, Adams was dismissed without farther trouble. The whole proceedings of this affair were sent up to the archbishop of Canterbury, and found in his closet at the Tower, endorsed with his own hand, signifying the date and subject-matter, and that the account was transmitted to him by Dr. Cosins.

The archbishop's diary takes no notice of this remarkable narrative. This silence makes the story, or at least the expression of part of it, somewhat suspicious. However, I thought fit to mention it, and leave it with the reader upon Rushworth's authority.

In Trinity-term, this year, attorney-general Banks preferred an information in the Star-chamber against John Bastwick,

Rushworth's
Hist. Coll.
part 2.
p. 1373, &c.

An information
against
Bastwick,

LAUD,
Abp. Cant.
*Burton, and
Pryn in the
Star-chamber.*
Rushworth,
vol. 2. p. 380.

doctor in physic; Henry Burton, bachelor in divinity; and William Pryn, barrister at law. These three defendants were prosecuted for publishing seditious, schismatical, and libellous books, against the hierarchy and government. The defendants drew an answer, which it seems was so ruggedly worded, that their counsel refused signing it. Upon this they petitioned the court their answers might be received, signed by themselves, pretending ancient precedents to justify their request. But this motion being overruled as unreasonable, they exhibited a cross bill against Canterbury and his confederates, as they call them, charging them with the greatest part of those calumnies with which their printed libels were stuffed. But this bill, being likewise signed by none but themselves, was rejected by the court.

But here it must not be forgotten that Burton's answer was signed by Holt, a bencher of Gray's-inn. It was referred to the consideration of the two chief justices, who were to expunge what they thought scandalous and improper for the hearing of the court. These judges, finding the answer a rough and intemperate invective, struck it all out, excepting six lines in the beginning and three or four in the latter end. Burton demanded justice against this large deletion, alleging that neither himself or his counsel were heard before the two chief justices in defence of their answer. However, it was ordered by the court, that, in case he refused to swear the expunged answer, and answer to interrogatories, he must be in the same condition with Bastwick and Pryn, and be proceeded against *pro confesso*.

Burton's answer set forth the substance of his sermon. He charges the bishops with the following innovations: First, that, in the epistle for the Sunday before Easter, instead of "in," they have made it "at," the name of Jesus "every knee shall bow¹." This alteration, he pretends, is directly against an act of parliament. Secondly: that two places are changed in the prayers appointed for the 5th of November; that the last year's fast was enjoined to be without sermons, in London, the suburbs, and other infected places, contrary to the order for public humiliations in former times; that Wednesday was appointed for the fast-day; and that this was done to make this fast without preaching a precedent to suppress all Wednesday-lectures in London; that the prayer for seasonable weather

¹ The original is, ἐν τῷ ὀνόματι, "in the name," Phil. ii. 10.

was expunged in this last book for the fast; and that the deleting this prayer was one cause of wrecks and tempests; that a passage was left out in this book touching a dangerous reliance on fasting with relation to merit; that these words, "Who art the Father of thine elect, and their seed," are changed in the collect for the prince and the king's children; and that this alteration was made by the prelates to exclude the king's children from the number of God's elect.

Bastwick's answer was scandalously coarse and downright railing, without reason. He charges the prelates with invading the prerogative-royal; that they despised the Holy Scriptures, countenanced profaneness, and made it their business to promote the growth of popery, and bring superstition and idolatry upon the nation; that they abused the king's authority to injustice and tyranny; that they managed without either wit, honesty, or temper; that they served under the devil, were enemies to God and the king, and that everybody of probity was their aversion: and all this, he had the confidence to say, he was ready to maintain.

Idem.

Pryn's answer had more manners and moderation; and, whatever his dissatisfaction might be, regard to himself kept him at present from such flights of distraction. However, he moved his answer might be read, and offered to abide the censure of the court, provided he failed in the proof. But the answers not passing through the forms of law, nor coming legally before the lords of the Star-chamber, the court proceeded to sentence, and fined each of the defendants, Bastwick, Burton, and Pryn, five thousand pounds each to the king, and adjudged the two first to stand in the pillory at Westminster and lose their ears. As for Pryn, he had lost his ears four years since by a Star-chamber judgment. However, he had no abatement in his punishment for that misfortune, but was sentenced to lose the remainder, and be marked on both cheeks with great "S." and "L.," signifying a "seditious libeller." By the way, the libel for which he was prosecuted was entitled "The News from Ipswich." In this pamphlet he calls the archbishop "arch-agent for the devil;" that "Beelzebub himself had been archbishop;" and that the bishops in general were "Luciferian lord bishops," "execrable traitors," and "devouring wolves." But enough of this.

Their sentence.

p. 55

On the 30th of June the sentence was executed, Burton

774.

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Abp. Cant.

being first degraded. The punishing men of the three most eminent professions in this ignominious manner was somewhat shocking to many people of no ill meaning. When they had suffered the sentence, they were committed: one to the castle of Launceston, in Cornwall; another to the castle of Lancaster; and the third to the castle of Carmarthen. But these places being crowded with visitants who came to condole with them, the government, to prevent the mischief of such a correspondence, removed them to a more retired confinement. Pryn was sent to the castle of Mont Orgueil, in the Isle of Jersey; Burton to Castle Cornet, in the roads of Guernsey; and Bastwick to St. Mary's castle, in the Isle of Scilly.

*Somewhat
farther of
Bastwick
and Burton's
character.*

Lord Cla-
rendon's
Hist. of the
Rebellion.

The character of these three persons, especially of Pryn, may be collected from the foregoing history. However, to throw in a word concerning the other two, "Bastwick," as the lord Clarendon describes him, "was a half-witted, crack-brained fellow, unknown to either university, or the college of physicians." He had spent his time abroad between the schools and the camp, and had gotten a doctorship and Latin. And being thus furnished with language and malice, he published a scandalous invective against the bishops, as has been already observed.

Burton, before he took orders, waited as closet-keeper upon the king, when prince of Wales. He was ordained priest in the latter end of the last reign, and thought himself neglected in not being sent chaplain to the prince, then at Madrid. Upon the death of king James, he expected to have been clerk of the closet; but this preferment being bestowed upon—or rather, continued in—Neile, bishop of Durham, Burton had not temper enough to conceal this disgust, but committed two or three such weak and rude indiscretions, that he was forbidden the presumption of appearing any longer at court. His ambition being thus balked, he turned lecturer and malcontent, and, to revenge himself on the bishop of Durham, played his spleen upon the whole order.

I shall now give the reader an abstract of archbishop Laud's defence of himself and the rest of the bishops against the charge of innovation, contained in the libels and answers of Bastwick, Burton, and Pryn. This vindication the archbishop delivered in a speech, when the court was ready to give sentence.

He opens his discourse with remarking how odious a method

it was to make use of libels, even for the support of truth, and bring religion under the protection of railing; and that the primitive Christians forbore this expedient when persecution was most rigorous and raging. As for the order of bishops, he maintained it to be *jure divino*, though not in all the adjuncts or circumstances of that function; and that, from the time of the apostles, the Church of Christ, through all ages and countries, had been governed by bishops; and that lay-elders were never heard of till Calvin's new-fangled device at Geneva.

CHARLES
I.
*The arch-
bishop's vin-
dication of
himself and
the bishops
against the
charge of
innovation.*

And whereas it was objected by the defendants, that the bishops' claiming by divine right implied a commission independent upon the State, and was by consequence an encroachment upon the prerogative. The archbishop answers, this was a mere ignorant invasion: "for"—to use his own words—"our being bishops," says he, "by divine right, takes nothing from the king's right or power over us: for, though our office be from God and Christ immediately, yet may we not exercise that power, either of order or jurisdiction, but as God hath appointed us,—that is, not in his majesty's or any Christian king's kingdoms, but by and under the power of the king given us so to do."

Whether this reasoning of the archbishop will hold or not, I shall refer the reader to what has been observed in both the parts of my history upon this subject.

Archbishop
Laud's
Speech in
the Star-
chamber,
June 16,
1637.

As to the innovations charged in the libels, he answers them as they lie. First, touching the suppressing sermons in places visited with the plague during the fast, and that this was contrary to the order of former times. To this he returns, that the present age is not unalterably bound up to the precedents of the former; that it is no fault to avoid an inconvenience, and grow wiser upon experience; that the suppressing those sermons was no act of the bishops, but an order of the privy council, to prevent the spreading of the infection; and, lastly, that, as fast-sermons had been managed of late, the people were much the worse for them; that the government was arraigned and the people heated towards sedition at such opportunities,—and for this he mentioned Burton's sermon as a clear instance. As to the Wednesday-fast without sermons: he answered, that Wednesday was the usual day for such public fasts; that it was fixed by the lord-keeper Coventry, who was apparently no friend to popery; and, notwithstanding it was

LAUD,
Abp. Cant.

pretended the day was changed for putting down the Wednesday-lectures, the present continuance of these exercises on that day was a sufficient disproof of that surmise. Their objection of leaving out the prayer for seasonable weather being a trifling allegation, the archbishop's answer shall be omitted.

To the omission of a clause in a thanksgiving-collect, for God's delivering us from popish superstition, his answer is, "that, though our forefathers had been delivered from such superstitions, yet, blessed be God ! we were never in them, and therefore could not properly be said to have been delivered." And whereas a passage, relating to a reliance on the merit of fasting, was left out in the late orders ; to this he replies, "that, in this age and kingdom, there was no danger of overrating the significancy of fasting ; that, on the contrary, the discipline of Lent and other stated times for austerity and mortification were disused and treated with contempt, excepting such voluntary humiliations as some humoursome and designing people called for, to carry on their own business." The next pretended innovation I shall mention is, the expunging "Father of thine elect, and of their seed," in the collect for the royal family. To this it was answered, "that this collect was not in the Common Prayer Book confirmed by law, in the reigns of king Edward VI. and queen Elizabeth, neither of those princes having any issue ; and that it was left out for some years after his present majesty came to the crown ; and, lastly, that the clause of 'Father of thine elect,' &c., was left out by Abbot, his predecessor, altering the words in the epistle on the Sunday next before Easter, and putting 'at' the name of Jesus, for 'in' the name of Jesus." And bowing when the name of Jesus was pronounced was another head of complaint against the bishops. To this it was answered, "that bowing at the name of Jesus was no innovation introduced by the prelates now living, but enjoined by queen Elizabeth's Injunctions at the beginning of the Reformation ; and, secondly, though it is 'in' the name of Jesus in the old editions of the liturgies, it is 'at' the name of Jesus in the translation of Geneva printed in the year 1567, and in the new translation made in the late reign." The bishops are further charged with the alteration of two passages in the form of prayer set forth by act of parliament for the 5th of November. The form stands thus : "Root out the Babylonish sect which say of Jerusalem,

Down with it," &c. The other passage is this: "Cut off those workers of iniquity whose religion is rebellion," &c. Both which are thus altered in the books last printed: "Root out the Babylonish and anti-Christian sect (of them) which say," &c.; and "Cut off those workers of iniquity who turn religion into rebellion," &c. To this the defence was "that the prayers for the 5th of November were neither made, published, or enjoined by act of parliament, but only by the king's authority; secondly, that being drawn up and ordered to be read by the king's sole authority, his majesty might alter the form as far as he thought proper, and that the archbishop had the king's hand for those alterations."

CHARLES
I.

The pretended innovation, in placing the communion-table where the altar stood, reading the second service at it, and bowing towards, or before it, was thus disproved:

First, The archbishop had practice and custom on his side; for the table had been placed in this situation in his majesty's chapel, and several cathedrals, since the Reformation. That if this way of standing was lawful in those places of devotion, how could the same usage be exceptionable in other churches? His defence from authority and law has been mentioned upon another occasion, and therefore I shall pass it over. Then as for reading the communion service at the altar, it was the customary practice as far as his memory could reach: that this usage was first changed in the churches where the Puritans preached, and therefore the charge of innovation must lie at their door.

Secondly, That the reading Divine service at the communion-table is required by the rubric. For instance: in the first rubrical paragraph after the communion, it is appointed, that on holy days (if there is no communion) all shall be said that is appointed at the communion; and in the last rubric before the communion, the priest is ordered to stand at the north side of the holy table, and officiate.

And, lastly, Bowing towards the table at their approaching towards it, or entering into the Church, was defensible by the practice of Moses, David, and Hezekiah; and implied in the Psalm, "O come, let us worship and fall down," &c. That this sentence stood constantly in the front of the ancient Liturgies, and thus it stands in ours: and that therefore the people might as well refuse coming to church, as worshipping

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when they came thither. To this the archbishop subjoined, "that by the statutes of the noble order of the Garter, the knights were obliged to make their reverence towards the altar. That this religious ceremony had continued ever since the time of king Henry V.: that if there were any idolatry in it, neither queen Elizabeth, who expelled, nor king James, who kept out popery, would have suffered the practice." After this he argues in a dilemma, that if it was a part of Divine worship, and no idolatry, he ought to perform it no less than the Garter-knights. But if it was a prohibited instance of adoration, and clashed with the Decalogue, they ought to forbear it as well as himself. Their heaviest charge, that the bishops had interpolated the Church records, forged a popish clause, and tacked it to the beginning of the twentieth article, has been sufficiently disproved already, under the year 1562; and thither I refer the reader.

Id. vi. 374.

The archbishop having gone through these heads of innovation, acquainted the court there were some other remaining exceptions in points of doctrine; but that these should quickly be satisfied in a tract for that purpose, meaning the answer to Burton's book, already mentioned. In the close, he declines giving sentence against the persons prosecuted, in regard he was somewhat of a party in the information: and thus he leaves them to God's mercy, and the king's justice.

Burton's
Sermon,
p. 69.

There was one considerable article, of which the archbishop took no notice in his speech; it is this: "the prelates had never applied for the king's letters-patent, under the great seal of England, to authorize the keeping their courts, visitations, &c. but that they acted in their own names, and under their own seals, contrary to law." The force of this objection having been disabled by a solemn resolution already related, I shall waive repetition; only to what has been said, it may not be improper to add, upon this occasion, that upon the 14th of May, this year, the judges unanimously declared, that the act of repeal of 1 Ed. VI. cap. 2. made in the first of queen Mary, was still in force.

But to strengthen the security for the Church, and make it serviceable to after ages, he humbly desired the king the case might be put more at length, and that the resolution of all the reverend judges might be taken fuller in form, and published by his majesty. That by this means the governors of the

Church may proceed more cheerfully in their functions; and the laity be delivered from the prejudices they had received of the bishop's encroachment. His majesty condescending to this motion, published the following declaration :—

“ BY THE KING.

“ Whereas in some of the libellous books and pamphlets lately published, the most reverend fathers in God, the lord archbishops and bishops of the realm, are said to have usurped upon his majesty's prerogative royal, and to have proceeded in the High Commission, and other ecclesiastical courts, contrary to the laws and statutes of the realm : it was ordered by his majesty's High-court of Star-chamber, the 12th of June last, that the opinion of the two lords chief justices, the lord chief baron, and the rest of the judges and barons, should be had and certified in these particulars, viz. Whether processes may not issue out of the ecclesiastical courts in the names of the bishops? Whether a patent under the great seal be necessary for the keeping of the ecclesiastical courts, and enabling citations, suspensions, excommunications, and other censures of the Church? And whether the citations ought to be in the king's name, and under his seal of arms; and the like for institutions and inductions to benefices, and correction of ecclesiastical offences? And whether bishops, archdeacons, and other ecclesiastical persons, may or ought to keep any visitation at any time, unless they have express commission, or patent under the great seal of England, to do it; and that as his majesty's visitors only, and in his name and right alone?

“ Whereupon the said judges having taken the same into their serious consideration, did unanimously agree and concur in opinion; and, on the first day of July last, certified under their hands as followeth : ‘That processes may issue out of ecclesiastical courts in the name of the bishops, and that a patent under the great seal is not necessary for the keeping the said ecclesiastical courts, or for the enabling of citations, suspensions, excommunications, and other censures of the Church. And that it is not necessary that summons, citations, or other processes ecclesiastical in the said courts, or institutions, and inductions to benefices, or correction of ecclesiastical offences by censure in these courts, be in the king's name, or with the

A vindication of the bishops' exercising jurisdiction in their own names.

776.

A resolution of all the judges touching this matter entered upon record.

LAUD,
Abp. Cant.

style of the king, or with the king's seal, or that the seals of the office have in them the king's arms ; and that the statute 1 Ed. VI. c. 2. which enacted the contrary, is not now in force ; and that the archbishops, bishops, archdeacons, and other ecclesiastical persons, may keep their visitations, as usually they have done, without commission under the great seal so to do.' Which opinions and resolutions being declared under the hands of all his majesty's said judges, and so certified into his court of Star-chamber, were there recorded ; and it was by that court further ordered, the 4th of the said July, that the said certificate should be enrolled in all other his majesty's courts at Westminster, and in the High Commission, and other ecclesiastical courts, for the satisfaction of all men : that the proceedings in the High Commission, and other ecclesiastical courts, are agreeable to the laws and statutes of this realm.

“ And his royal majesty has thought fit, with the advice of his council, that a public declaration of these the opinions of his reverend and learned judges, being agreeable to the judgment and resolution of former times, should be made known to all his subjects, as well to vindicate the legal proceedings of his ecclesiastical courts and ministers, from the unjust and scandalous imputation of invading or intrenching on his royal prerogative, as to settle the minds, and stop the mouths of all unquiet spirits, that for the future they presume not to censure his ecclesiastical courts, or ministers, in these their just and warranted proceedings. And hereof his majesty admonisheth all his subjects to take warning, as they will answer the contrary at their peril.

“ Given at the court of Lindhurst, the 13th day of August, in the thirteenth year of his reign, 1637.”

Bishop Williams prosecuted in the Star-chamber for subornation, and fined, &c.

In Trinity term, this summer, Williams, lord bishop of Lincoln, was prosecuted afresh in the Star-chamber : a bill had for some time been preferred against him in this court for revealing the king's secrets, sir John Lamb and Dr. Sibthorp being the informers. But here the bishop defended himself so well, that attorney-general Noy grew weary of the cause, and slackened the prosecution. But after his death the business was revived by one Kilvart, proctor in the Arches. This Kilvart, perceiving the bishop's defence rested most on the testimony of

Prigeon, registry of the court at Lincoln, endeavoured to disable the credit of this evidence : for this purpose, he laid a bastard to his charge, and proved the accusation so plausibly, if not with truth, that the justices of the peace, at the quarter-sessions at Lincoln, made an order for obliging Prigeon to keep the child. The bishop, to clear Prigeon's reputation, procured two of his countrymen, Owen and Powel, to give in counter-evidence, and swear the bastard upon one Boone ; upon this Kilvart, taking his advantage, drops the prosecution against Prigeon, and exhibits a new bill against the bishop for subornation of witnesses. Williams, being either conscious of some wrong step, or suspecting his judges unfriendly, endeavoured to compound with his majesty, and offered to purchase his quiet with a considerable sum. This overture was afterwards urged against him as an argument of guilt. In short, he was fined eight thousand pounds to the king, suspended *a beneficiis et officiis*, and imprisoned during the king's pleasure. The sentence was accordingly executed in every part ; the money was all exacted, he was sent to the Tower, and his jurisdiction fell to the archbishop. Laud concurred in the censure with the rest of the Star-chamber, and harangued with great vehemence and length upon Williams's offence. Amongst other things, he set forth, that the world was above three thousand years old before it was depraved to the commission of so great a wickedness : that Jezebel was the first in Scripture who stands marked for subornation ; and that her witnesses are described in the strongest terms of infamy, and called the sons of Belial : that notwithstanding he had been five times on his knees to the king on the bishop's behalf, yet now, upon further recollection, he could solicit no longer for a gentle sentence.

The bishop's secretary, Walker, and Powell, his steward, were fined three hundred pounds each ; and Lund, another of his servants, a thousand marks, all defendants in the same cause ; yet none of them were imprisoned, except Lund for a few weeks, neither was their fine ever demanded. This favour was interpreted by the bishop to bribe them to Kilvart's pleasure, and list them in his service.

To make the history of this matter more entire, the reader may observe, that in the year 1640, when Williams was discharged out of the Tower, and restored to his place in parlia-

CHARLES
I.

L'Estrange's
Hist. King
Charles I.
MS. penes
me.
Rushworth.

LAUD,
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ment, he complained of the illegality of the prosecution. To make his complaint good, he alleged,

Bishop
Williams
complains of
illegal pro-
secution.

First, That his adversaries, despairing of success, dropped their first information about "revealing the king's secrets," changed their battery, and prosecuted him for subornation; whereas he conceived all accessaries and incidentals ought to sink with the principal charge.

Secondly, That he was barred the advantage of excepting against the testimonies of sir John Lamb and Dr. Sibthorp, and proving a conspiracy upon them; and that they lay covered upon the score of their being king's evidence. And thus those witnesses which were most serviceable for the defendant, were set aside by the court.

777.

Fuller's
Church
Hist.
book 2.

Thirdly. That Kilvart menaced those who were to appear in behalf of the bishop, committed some of them, and overawed the rest into silence. The bishop urging several other instances of hard usage, the lords were so far satisfied with his plea, that they ordered the records in the Star-chamber, relating to that process, to be all razed.

He falls
under a
second cen-
sure in the
Star-cham-
ber.

To return to the time before us. Bishop Williams fell under a second censure in the Star-chamber upon the following occasion. Mr. Osbaldston, schoolmaster, and prebendary of Westminster, sent a letter to Williams two years since, in which there was this passage:—"The little Vermin, the Urchin, and the Hocus-pocus, this stormy Christmas, are at true and real variance with the Leviathan." The bishop communicating the contents of this letter, was prosecuted for divulging libels upon privy-councillors; the bill setting forth, that the archbishop of Canterbury was meant by the Urchin, and the lord-treasurer Weston by the Leviathan; and that the bishop ought to have put this scandalous letter into the hands of some justice of peace, and not dispersed it.

The bishop's defence was, that he did not remember the receiving of any such letter; and farther, that he was not sensible the law obliged any person to trouble a justice of peace with riddles and unintelligible descriptions. And to second the bishop's plea, Osbaldston declared his letter was clearly misconstrued; and that Hocus-pocus stood for one Dr. Spicer, a civilian, and Leviathan for the chief-justice Richardson. It seems there was some resemblance in the stature of these

gentlemen, which might make this construction pass. But these allegations were found evasive; for Kilvart produced a letter written by Williams, to his secretary Walker, at the time when the misunderstandings happened between Laud and Weston. The letter is this :—

CHARLES
I.

“ Here is a strange thing. Mr. Osbaldston importunes me to contribute to my lord-treasurer’s use some charges upon the little great man, and assures me they are mortally out. I have utterly refused to meddle in this business; and I pray you learn from Mr. S. and Mr. H. if any such falling out be, or whether somebody hath not gulled the schoolmaster in these three last letters, and keep it unto yourself what I write unto you. If my lord-treasurer would be served by me, he must use a more near, solid, and trusty messenger, and free me from the bonds of the Star-chamber, else let them fight it out for me.”

The mystery thus discovered, they both fell under the statute of “*Scandalum Magnatum*,” which drew another fine of 8,000*l.* upon the bishop. Osbaldston’s sentence was a fine of 5,000*l.*, the loss of all his Church preferments, to have his ears fastened to the pillory in the Palace-yard; and both of them were adjudged to pay costs to archbishop Laud. These were looked on as harsh proceedings; but the archbishop, as it is affirmed, had a favour in reserve for Osbaldston, and resolved to throw himself at the king’s feet, that the corporal punishment might not be executed. That this was his intention, seems probable, by Osbaldston’s not being immediately confined, but suffered to make his escape.

Rushworth.
Cyprian.
Anglic.

These rigours, as they were construed, of the Star-chamber, prosecuting the clergy for not reading the declaration for sports, and falling short of compliance in ceremonies, gave an umbrage to the Scots, filled them with jealousies, made them more implicit to Presbyterian suggestions, and an easier property to the politicians of that kingdom. This gave the malcontents a handle for practice, and a stronger aversion to the Common Prayer. Their disaffection to the hierarchy was pushed farther by the faction in England, who were not without a correspondence with the Scots. These men being highly disgusted with the publishing the book for sports, removing

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the communion-table to an altar situation, suppressing lectures and afternoon sermons, and forbidding preaching or printing in defence of Calvinism, carried their complaints to the remotest parts of the island, and alarmed the Scots with apprehensions of being reduced to the same condition. They believed their own prelates acted by concert with Laud and his party, raising their jurisdiction upon the ruins of presbytery, and bringing the Church to the English model. This, beside their particular exceptions to the new service, made them strongly prepossessed against this affair.

See p. 119.

The bishops, pursuant to his majesty's commands, ordered intimation to be given in the pulpits at Edinburgh, that the next Sunday, July the 23rd, the Service-book would be read in all the churches. The ministers dilated upon the benefits of the Common Prayer, and exhorted the people to compliance.

A.D. 1637.
The Scotch Common Prayer read at Edinburgh, and insulted.

Accordingly, on the 23rd of July, the dean of Edinburgh began to read the book at the cathedral of St. Giles's; but the devotion was quickly disturbed by a mob of women, who outraged the dean with clamour, and other instances of rudeness. Upon this the bishop of Edinburgh, stepping into the pulpit, put them in mind of the place, and the business, and endeavoured to recover them to decency and temper; but admonition serving only to enrage the more, they threw stools at the dean and bishop, and attempted to pull them out of the pulpit and desk. The ministers who read the Common Prayer in the other churches met with the same treatment, and made their escape with great difficulty. The lord chancellor and the secret council, to prevent the repetition of this insolence, appearing well attended in the afternoon, the book was read without disturbance. However, the bishop going to his house was in danger of being murdered in the streets; but by good providence, the earl of Roxburgh coming by, took him into his coach and outdrove the rabble. This bold sally, though it carried the face of a rash unpremeditated riot, was, in reality, the result of a consultation held at Edinburgh in April last. Here the lord Balmaranoch, sir Thomas Hope, advocate, and Mr. Alexander Henderson, with some others of conduct and figure, being in the concert, engaged the women to begin the attack upon the book, giving them an assurance the men would support them, and go on with the quarrel.

L'Estrange,
History
of King
Charles 1.
p. 153.
Guthrie's
Memoirs.

Notwithstanding this inauspicious beginning, the archbishop of St. Andrew's charged this Henderson, and Mr. James Bruce, beneficed in Fife, to read the book under the penalty of "horning." These two ministers addressing the lords of the council for a suspension of this order, were so far considered, as to have a month's respite; during which time these lords wrote to the king for further instructions.

CHARLES
I.
August 23.

'Horning' is
outlawry for
treason.
778.

The bishops expected the council would have discountenanced these ministers in their petition, and punished the rioters at Edinburgh in an exemplary manner; but when they found themselves disappointed in both, they began to distrust their lord-treasurer, when it was too late. *See p. 119.*

The countenance Henderson and Bruce met with at the council encouraged the rest, and several of the nobility, with no small number of the ministers and burgesses, declared openly for the cause, and addressed the board in form against the Common Prayer.

Guthrie.

If we inquire into the reasons of this unhappy miscarriage, the earl of Traquair's being too much confided in by the English and Scotch prelates, and their resting the whole affair upon the conduct of this nobleman, had no small weight upon the disappointment. I have already observed, that this earl

Some reasons of the miscarriage of this affair.

See p. 119. being apprehensive of a rivalry in interest from the bishop of Ross, grew disaffected to the rest of his order. That he was no friend to the bishops, appears further by his letter to the marquis of Hamilton, upon the subject before us. He desires the marquis "to suggest to his majesty, that if he is pleased to send for any of the Scotch clergy to report the condition of affairs, or employ them in the present juncture, he would choose some of the best qualified with temper and discretion; for, as for some leading men amongst them, they were defective in judgment, and extravagantly violent and forward; that their want of understanding to manage things of this niceness and weight embarrassed the council with a great many difficulties; and that their rashness and folly, both in discourse and business, were the occasion of fears and jealousies among the people, and made the government misconstrued. That the bishops complained their revenues and jurisdiction were seized by the Reformation; and that the worship of God was not in all circumstances exactly settled." From hence it appears the earl was not pleased the bishop should remember

The earl of Traquair represents the Scottish bishops to disadvantage.

Memoirs of Duke of Hamilton, p. 41.

LAUD,
Abp. Cant.

encroachments upon religion, move for redress, and endeavour restoring the Church to a primitive condition.

To return: the postponing the reading the Liturgy from Easter to July was another wrong step: by this delay the Presbyterians had time to form counter-schemes, and make parties against it: they had leisure to alarm the people with jealousies, stating that the purity of religion must suffer, and that superstition and popery would be forced upon them. And thus, when they had surprised their understandings, misreported the Church and State, and worked themselves to a confidence with their party, it was then in their power to govern almost at pleasure. It was thought the Scotch bishops made some other mistakes: for, not to repeat their declining getting the book passed in a general assembly, they fell into another error, by making their first trial in a town where they might reasonably expect most opposition: instead therefore of executing the Liturgy at Edinburgh, they should have made their essay in remoter dioceses, where the people were less indisposed.

Some of the Scotch bishops are likewise blamed for not pre-acquainting the lords of the council, and others of the nobility, with the design: had these great men been at first applied to for their concurrence, and courted into the interest, it is believed no small numbers of them might have been gained: this was the archbishop of Canterbury's advice, when the Common Prayer-book was under the first digestion. Some of the Scotch bishops likewise complained of their not being taken into the consultation; this was censured as an excess of secrecy: for which way could these prelates, who knew little or nothing, exert themselves, and work their clergy to compliance? Besides, there was no care taken to make the ministers; nothing promised to take off the leading men, and bribe them to their duty: and lastly, the public intimation of reading the book a week before might probably disserve the undertaking: for what was this notice, but a kind of summons to the malcontents, to rendezvous the mob, and prepare them for mutiny and insult? And thus much for the mistakes prior to the experiment. To proceed to some other following instances. First, when the Scotch bishops found the book ill received, and the rabble rise upon it, they consulted apart, sent the king word of what had passed, without pre-acquainting the temporal lords, or reinforcing the cause with that interest. Next, their

leaving Edinburgh, and retiring all to their dioceses, excepting ^{1.}CHARLES the bishops of Galloway and Dumblain, was remarked as another error: for, as Canterbury, in one of his letters to Traquair, expostulates, they must needs imagine the adverse party would make an advantage of their absence, and clog the undertaking with new difficulties.

But to this it may be answered, the bishops might reasonably conclude themselves unsafe in this town: for neither the lords of the council, or the magistracy, had given any orders to seize the chief incendiaries, and bring them to justice: this impunity looked either like fear or favour, and encouraged to further insolence: had the sword of justice been seasonably drawn on some few, it is probable it might have prevented a great effusion of blood, and secured the repose of that kingdom: but those who managed the administration seemed to have other views, or at least different thoughts, of the issue; for instead of punishing the rioters, they suspended the Liturgy.

It is true, the Edinburghers being apprehensive the English fleet might distress them, by blocking up their haven, endeavoured to bring his majesty to a better opinion of their conduct. To this purpose, in their letter to the archbishop of ^{August 19.} Canterbury, they declared their abhorrence of the late tumult, protested their innocency, and appealed to the lords of the council for their vindication: to this they subjoined their readiness to assist the bishops and ministers for settling the service book; and that they would do their utmost to promote this affair, and protect those that engaged it. And to give their application a stronger appearance of reality, they seized some of the mutineers, and made inquiry after others: and whereas the city ministers desired to be excused reading the book till security was given them against the rabble; the magistrates and common-council of Edinburgh signed them a safeguard in form, and over and above settled a maintenance.

And now harvest coming on, the frenzy of the populace seemed to cool, and business was some intermission to sedition; but after this season was over, the Presbyterian faction drew together again, and appeared at Edinburgh in formidable numbers. And now the burghers began to lay aside the mask, and discover their inclination. Instead of exerting their former zeal for the Common Prayer, they presented an address to the

LAUD,
Abp. Cant.

October 17.

lords of the council that the book might not be pressed upon them until the king's pleasure was further known. The secret council perceiving the city disaffected, and apprehensive of some dangerous consequence, issued out three proclamations. The first to discharge their meeting with reference to Church affairs, commanding them all to repair to their respective homes, excepting those who could show the board sufficient reasons for their staying. The second was for removing the session or term from Edinburgh to Linlithgow. The third, published about three days after, ordered the calling in and burning a seditious pamphlet, entitled "A Dispute against the English Popish Ceremonies obtruded upon the Kirk of Scotland." These proclamations enraged the people, and brought great bodies of women upon the former enterprise. And the next day the bishop of Galloway going to the council-house, was pursued all along with reproaches; and had in all likelihood been torn in pieces had he not been rescued with great difficulty. The earl of Traquair receiving advice of this outrage, forced his passage through the rabble, and gained the council-house. But being got in, he found his condition no better than the bishop's; for the place was immediately beset, and the lords within terribly menaced. Upon this the assistance of the provost and common-council was desired, to disengage the lord-treasurer and the bishop; but answer was returned they were under the same circumstances, and no less formidably invested than themselves: that under this extremity of duress they had been forced to sign a paper to adhere to the mutineers, in opposition to the service-book; and to restore Ramsey and Rollock, two silenced ministers, and one Henderson, a silenced reader.

L'Etrange.
Guthrie.

The noise of the Edinburghers having joined the addressors against the Common Prayer, made such an impression upon the boroughs, that notwithstanding the former neutrality of most of them, they came now all into the cause, Aberdeen excepted. And, to shew their heartiness, pushed forwards with the greatest fury imaginable; so that neither the clergy, or any others of a different sentiment, could live amongst them.

Dec. 19.

When the council sat at Dalkeith, the noblemen and commissioners of the faction presented a declinator against the bishops; for the ministers had lately signed a remonstrance against their prelates; complained of them as betrayers of

religion, and desired they might be brought to justice. The ^{CHARLES}
 bishops being thus, as it were, impeached, and lying under a ^{I.}
 criminal character, these petitioners did not think it reason-
 able they should be allowed the privilege of judges, and vote at
 the council table. And here the lord-treasurer Traquair, sir
 James Carmichael, treasurer-deputy, or chancellor of the ex-
 chequer, sir Thomas Hope, advocate, and sir John Hamilton,
 justice-clerk, opened themselves more than formerly, and dis-
 covered their inclination to the petitioners. And, in short,
 none of the board spoke heartily for the bishops, excepting sir
 John Hay, clerk-register, or master of the rolls.

Guthrie's
 Memoirs.

To proceed: the lords of the council, having procured a pro-
 tection for themselves from some of the malecontent nobility,
 published a proclamation for preventing such disorders as had
 lately happened; but the government had lost the ascendant:
 for the burghers sent some of their body to the council table
 to demand the restoring the ministers to their places, and the
 performance of other extorted articles. Not long after, the
 council was solicited with another petition against the liturgy
 and canons. This address came strongly supported, counte-
 nanced by all degrees, and signed by noblemen, barons, minis-
 ters, burgesses, and commons.

This petition being sent up to the king, he replied to the
 substance in a proclamation, in which his majesty "acquaints
 them with the piety of his intentions in sending them the
 liturgy; that he meant nothing less than the maintenance of
 the true religion professed amongst them; that there was
 nothing in the service-book but what had been perused and
 approved by himself before it was printed; that the book
 would be a guard to their religion, and for this he did not
 question to give them satisfaction in due time; that he should
 overlook what was past, upon condition of better behaviour.
 His majesty proceeded to forbid the like tumultuous meetings
 upon pain of treason. And the term being now removed to
 Stirling, he commanded that no strangers should repair thi-
 ther: and that all persons, unless particularly licensed, of what
 degree soever, being neither lords of the council or session, nor
 inhabitants of the town, should, within six hours after this
 publication, quit the place under the forfeitures of treason."

Feb. 19,
 A.D. 1637-8.

The proclamation concludes with this gentle sentence, "that
 his majesty would not reject their petition upon this, or any

LAUD,
Abp. Cant.
Bib. Regia,
p. 147.

other subject, provided neither the matter or form was derogatory to his regal authority."

L'Estrange.
Guthrie.

Immediately after the reading this proclamation, the earl of Hume, the lord Lindsey, and others, pursuant to what had been preconcerted, protested against it in form. And now the party broke out into open defiance: and being resolved to go through with the enterprise, in despite of the government, they posted to Edinburgh; where, after having consulted Hope, the advocate, and some others of that profession, they set up a counter-authority, consisting of four tables. The nobility made one; the barons another; the burgesses a third; and the ministers a fourth. These four were to prepare and digest matter for the general table, formed of several members delegated from the rest. And here the last and binding resolutions were taken.

780.

Hammond.
L'Estrange.
Guthrie.
Kin's Large
Declaration.

The first business of these tables was renewing the ancient confession of the Kirk already related. To this there was a band annexed, suited to the design in hand. By this band they solemnly engaged for the maintenance of their religion then professed, and the preservation of his majesty's person. But both by the tenor of the instrument, and their own explanation, it is evident their meaning was otherwise. For by the band they obliged themselves to defend each other, against all persons whatsoever, the king himself not being excepted. Whereas the engagements of this kind in the late reign had an express clause for the defence of the king's person and authority. Besides, there was another great disparity between this confession or covenant, and those subscribed in the late reign: the former being either signed by the king or by the lords of the council, at the request of the general assembly; whereas this covenant was subscribed, and the subject enjoined to swear it without any face of authority, either in Church or State. And further, under the general names of popery, heresy, and superstition, then solemnly renounced, not only the Common Prayer-book and canons, but episcopal government, and the five articles of Perth, though confirmed by parliament, were comprehended. While the covenanters were thus enterprising at Edinburgh, the lords of the council continued at Stirling, and were little regarded.

Spotswood, lord chancellor, and archbishop of St. Andrew's, finding the country too troublesome, withdrew to London,

where he died the next year. The rest of the bishops, who knew themselves most maligned, made for the same shelter; only four of them continued in their country. Three of these, Alexander Ramsey, bishop of Dunkeld, George Graham, bishop of Orkney, and James Fairly, bishop of Argyle, rescued themselves from persecution, by deserting their station, and publicly renouncing their order: but the fourth, John Guthrie, bishop of Murray, endured the storm with great resolution; and notwithstanding he fell under the discipline of the Presbyterians, lost his liberty, and suffered in his fortune, he maintained the lawfulness of episcopacy to his dying day.

CHARLES
I.

*See p. 152 for St.
alphus contin.
Guthrie's
Memoirs.*

To return to England: the Roman Catholics were not negligent in soliciting the queen, and improving their interest at court. About three years since, Panzani, the pope's agent, came to London, and made his application to the lord Cottington and secretary Windebank. Part of his business was to discover whether the king would permit those of his communion a Catholic bishop of the English nation: and to make the motion pass the better, they were contented this bishop should be nominated by his majesty, and not exercise his function but under such limitations as should be set him by the prince. Upon this request a query was put to Panzani, "whether the pope would allow the nominating such a bishop as held the oath of allegiance a lawful engagement: and whether his holiness would give the English of his communion leave to take the oath?" Panzani, finding himself somewhat embarrassed with the question, declared he had no commission to speak to that matter. Upon this disappointment he went lower in his request; and by some correspondence at court, moved the king that the queen might be permitted an agent from the pope for directing her affairs in religion. The king, by the advice of his council, condescended to the motion, upon condition that the person sent should be no priest.

*Panzani
and Com.
agents for
the pope in
England.*

This Panzani, after having pursued his instructions in England about two years, tempted some of the court clergy to no purpose, and brought the seculars and regulars to a tolerable accommodation, returned to Rome, and left seignior Con, a Scotchman, in his post.

Hammond.
*L'Estrange's
Hist. King
Charles I.*

This agent of the pope's arriving in England last summer, brought a great many relics, medals with the pope's effigies, and other recommending curiosities, to be distributed among

LAUD,
Abp. Cant.

the ladies of that persuasion. And being a person of dexterity and address, he worked himself into a conversation with some of the ministry. The king was not displeased with his correspondence; his majesty being not without hopes this Con might prove a serviceable instrument at the court of Rome, and make the restoring the elector palatine more practicable. Con, perceiving the archbishop of Canterbury had no small direction of the public affairs, endeavoured to make an acquaintance with him; but Laud having no good opinion of the man, or his business, kept himself aloof, and would not so much as admit of a visit of ceremony. However, by the king's connivance, and the queen's favour, the Papists came somewhat forward, appeared in greater numbers at court, and frequented their devotions at Somerset-house with more freedom than formerly. This being observed, and probably magnified beyond matter of fact, the blame was chiefly laid upon Laud. Several libels were scattered in London, in which the archbishop was aspersed as an encourager of mass, and little better than the pope's pensioner. It must be confessed Walter Montague, a younger son of the earl of Manchester, and sir Toby Matthews, son to the late archbishop of York, had been very active in their mission; and, amongst other successes, had lately proselyted the countess of Newport, related to the duke of Buckingham. Now, the archbishop finding himself attacked with calumny, took this opportunity to disprove the imputations; and being at the council table, he addressed himself to the king, and in a full discourse acquainted his majesty with the growth of the Roman Catholic interest; that the Papists met frequently at Somerset-house; that Montague and Matthews had taken unsufferable liberties, practised upon his majesty's subjects, and particularly upon those within the verge of the court: humbly beseeching him they might be under some restraint, and either quite barred coming to court, or else obliged to be inoffensive in their behaviour. This speech being well received by the king, Montague and Matthews were ordered to retire. The queen at first was much displeased with this remonstrance, and discovered it in her face whenever the archbishop happened to see her. But within a few months, after some exposition, she seemed to drop her resentment.

And now to touch a little upon the archbishop's annual account of his province to the king. He acquaints his majesty,

The archbishop remonstrates at the council-table against the liberties taken by the Roman Catholics.

that "at Biddenham in Kent he suspended one Warren, a schoolmaster, for refusing to subscribe the articles, and take the oaths of allegiance and canonical obedience. This precisian had a strange humorsome conscience. He would read nothing but divinity to his scholars. He could not so much as reconcile himself to Lillie's Grammar, except Mars, Bacchus, Apollo, Pol, and Ædepol were expunged.

CHARLES
1.
*Part of the
archbishop's
annual ac-
count.*

"In the diocese of Lincoln, now under the archbishop's care, he complains of a great many Nonconformists in Buckinghamshire and Bedfordshire; and that there were a great number of very poor and miserable vicarages and curateships in this large diocese.

781.

"The bishop of Norwich certifieth, that in his diocese several towns are depopulated, no houses left standing but the manor-house and the church, and that turned to the lord's barn, or a worse use. In other towns the churches lie in rubbish; and the inhabitants are thrust upon neighbouring parishes, where they pay few or no duties.

"From the diocese of Exeter, it was certified, that several captives in Morocco being ransomed and returned home, the bishop was somewhat at a loss with what penance and form these people, who had renounced Christianity, might be readmitted into the Church; and, having acquainted the archbishop with this deplorable case, they agreed upon a form, which was approved by the bishops of London, Ely, and Norwich, and afterwards confirmed by his majesty.

See Records,
num. 112.

"The rest of the dioceses, from whence certificates were returned, came forward in conformity, and were in tolerable good order."

Hist. of the
Troubles,
&c. of
Archbishop
Laud.

Laud, to silence the clamour of his being popishly affected, procured a proclamation for calling in a popish book, written in French, by Francis Sales, bishop of Geneva, translated into English, and entitled "An Introduction to a Devout Life." This book, brought for a license to Haywood, the archbishop's chaplain, was returned expunged in several unorthodox passages. Notwithstanding this precaution, the deletions were printed. For this foul practice the printer was apprehended, the translator searched for, the book was called in, and the copies seized and publicly burnt. But that which did the archbishop most service, in his reputation, was his reprinting the conference between him and Fisher, with enlargements. This was so considerable a performance, that sir Edward

*The translation of
Sales's "In-
troduction,"
&c. called
in.*

A.D. 1638.

LAUD,
Abp. Cant.

*Deering's
commendation
of
Laud.*

*Deering's
Collection
of Speeches,
p. 5.*

*A decree of
the Star-
chamber for
regulating
the press.*

Deering, one of his greatest enemies, had the justice to confess, that, in this book, "Laud had muzzled the Jesuit, and would strike the Papists under the fifth rib when he was dead and gone; and, being dead, that, wheresoever his grave should be, Paul's would be his perpetual monument, and his own book his epitaph."

The archbishop was no less solicitous to suppress the growth of heterodoxy of a different complexion, and to prevent the Socinians and Puritans from gaining upon the Church and disturbing her repose. To this purpose he procured a Star-chamber decree for regulating the press. By this order, none but master-printers were allowed to print, under the penalty of being set in the pillory, and suffering such other punishment as the court shall appoint; that none of the master-printers should print any book in divinity, law, physic, philosophy, or poetry, without a licence; and that no person should reprint any book without a new licence; that no merchant, bookseller, or other person, should import any printed books, without giving in a catalogue of them to the archbishop of Canterbury or bishop of London for the time being; and that they should not deliver or expose to sale any imported books till the chaplains of the said archbishop or bishop, or some other learned person appointed by them, together with the master and wardens of the company of stationers, or one of them, shall take a view of the same, with power to seize all schismatical and offensive books; and, lastly, that no merchant, bookseller, &c., should print any English books beyond sea, nor import any such into this kingdom.

By the advantage of this order, he prevented the spreading of Socinian and Puritanical books. It had been the custom of people disaffected to the doctrine and discipline of the Church, to print their heterodoxies beyond sea in our language, and import them into England. To stop this mischief, there was a particular provision in the Star-chamber decree. A book entitled "Disquisitio Brevis" was published about this time. Some Socinian tenets were covertly couched in this tract: they were pretended expedients for drawing the controversy between the Churches of Rome and England into a less compass. Hales, of Eton, a man of considerable learning and parts, was supposed the author¹. There was likewise

¹ Vide "Golden Remains of the ever memorable Mr. John Hales of Eton College."

a discourse in manuscript concerning schism handed about CHARLES
at the same time: the design of it was to indulge private I.
reason, to the prejudice of the Church's authority. Hales
being reputed the author of both these unserviceable books,
the archbishop sent for him to Lambeth, and, after some
hours' conference, brought him off his singularities, and gained
him to the Church.

By the archbishop's care, seconded by his suffragans, the *Lectures re-*
lecturers were either retrenched or recovered, and brought *trenched and*
under a due regulation. Those who refused reading Common *brought*
Prayer in their hoods and surplices were disabled from preach- *under due*
ing by the king's instructions; and thus many of the single *regulation.*
lecturers dropped off. As for those lectures which were
furnished from a combination of the clergy, these men were
generally nominated by the bishops, tied to the canonical
prayer in the pulpit, and reading the second service at the
communion-table in hood and surplice; and thus the rigid
Calvinists were forced to quit the pulpits in market towns.

However, the people, having been connived at, and gone
loose as to ceremony some time, took check at the pressing of
conformity. When they found their lectures struck off, and
the parochial clergy of their persuasion not well able to stand
the test of a visitation, they began to grow weary of the
country. Under this discontent several families, in maritime *Some Non-*
towns especially, transported themselves. The Dutchmen led *conformist*
them the way, who chose rather to quit the kingdom and *ministers*
return home, than comply with the archbishop's injunctions. *and families*
Goodwin, Nye, Burroughs, Bridges, and Simpson, were some *transport*
of the first nonconformist ministers that left the kingdom. *themselves*
These men, with some of their party, settled in Holland. *into Hol-*
land.
Soon after their arrival, their congregations swelled to so
considerable a number, that it was thought proper for them
to part, and settle at wider distance. Thus Goodwin and
Nye went off to Arnheim, in Guelderland; leaving Rotterdam,
in Holland, to Simpson and Bridges. These men, neither
liking the strict discipline of the Presbyterians, nor the lati-
tude and license of the Brownists, projected a temper, and
settled upon Robinson's model. They struck out a co-ordinate
scheme of Church government; and thus they formed a sort
of spiritual association for countenance and correspondence,
without anything of superiority and command. This seems

LAUD,
Abp. Cant.

to have been the rise of the Independents. But this loose, precarious polity made them break into farther subdivisions. Bridges was forced to quit Rotterdam; and Ward, who succeeded him, found no good quarter. At Arnheim they had a better understanding amongst themselves. Here they seemed to strain for apostolic usage and higher perfection than the rest. To this purpose they had hymns and prophesyings, not received in their sister Churches. They likewise revived the office of widows, the holy kiss, and extreme unction.

Cyprian.
Anglic.
Gangrena.
p. 147.

To go back to the beginning of the year, and take a short survey of the condition of the Church of Scotland. The hierarchy being outraged, the Common Prayer Book suppressed, and the faction engaged in a covenant in the manner above-mentioned, the prelates who stayed in Scotland sent up a list of their grievances to the archbishop of St. Andrew's, and the rest of the Scotch prelates in London. They complain, "the Covenanters had changed the moderator of the presbytery at Edinburgh, and were carrying on that pretended reformation through the whole kingdom; that the council of Edinburgh had made choice of Mr. Alexander Henderson to be an assistant to Mr. Andrew Ramsay, and intended to admit him without the bishop's consent; that the ministers of Edinburgh, who refused subscribing the covenant, were cursed and reviled to their faces, and their stipends detained; that all non-subscribing ministers were treated with the same ill usage; and that the rakish part of the mob are raised for this service, and let loose upon honest men."

The bishops complain against the Covenanters.

Memoirs of
Duke of
Hamilton,
p. 41.
May, 1638.

The marquis of Hamilton sent down high-commissioner for Scotland.

The king, being willing to compose matters and prevent the use of extreme remedies, sent the marquis of Hamilton down high commissioner to settle that kingdom. At his coming to Dalkeith, four miles from Edinburgh, his commission was opened; but the Covenanters paid him no attendance, or took any notice of his character. But not long after, upon his coming to Edinburgh, some of the heads of the faction waited upon him; and, being demanded first what they desired of the king for redress of grievances, and, in the next place, what security they would give for returning to their duty and renouncing the covenant, to the first they replied, that nothing short of a general assembly and a parliament could give them satisfaction; to the second their answer was, that hitherto

they had not failed in any part of loyalty, therefore there was no occasion to insist upon a return to it. And as for the covenant, they were so hardy as to declare, "that they would sooner renounce their baptism than this engagement; that this proposal was so harsh, that they would never endure to hear the mention of it repeated."

CHARLES
I.

L'Estrange,
Hist. King
Charles I.

By the way, there was a proclamation penned in strong terms for recanting the covenant, in which "all those are declared traitors that shall refuse disclaiming the said bond or bonds, within so many days mentioned in the proclamation." This instrument was drawn by the earl of Traquair; but the marquis of Hamilton, finding the faction resolved against going this length of submission, stopped the publishing this paper, and drew up another in a softer form, in which the denouncing clause was omitted.

Memoirs of
D. Hamil-
ton.
Id. p. 55.
*Bold motions of the
Covenanters.*
Id. p. 55.

In the mean time the Covenanters went boldly on in their revolt, and blocked up the castles of Edinburgh and Stirling. Of these disorders the marquis sent the king an account, acquainting him with the desperate obstinacy of the faction; and that in all likelihood nothing but force could bring them to a sense of their duty. But here the marquis suggested some motives to clemency, and put the king in mind, that these disorders were "the madness of his own poor people." To this the king answers in his letter to Hamilton, that he was of the commissioner's opinion, that the obstinacy of the Scots was past curing by gentle applications. However, he thought the gaining of time a prudential expedient; and that it was most advisable to forbear the publishing the latter and more disgusting part of the declaration, until his fleet had set sail for Scotland. He gives his commissioner leave to sooth the faction, and keep them from flying out into further excesses. But all this caressing was to be within a rule: for he was not to humour the revolters so far, as to consent to the calling a parliament, or a general assembly, until the covenant was openly disclaimed. His majesty owns his regret, for being forced to come to these extremities with his own people: but adds, the last necessity compels him to these measures: that his crown lies at stake; that his honour must be lost, and his character disabled for ever, if this insulting his authority should go unpunished: and that, to use his majesty's words, "He will rather die, than yield to those impertinent,

*The king's
resentment
of the Cove-
nant.*

June 11,
A.D. 1638.
Id. p. 55.

LAUD,
Abp. Cant.

and damnable demands; for it is all one, as to yield to be no king in a short time."

June 25.

In another letter to the marquis, he calls the confederacy "a damnable covenant:" that as long as this covenant was in force (either with or without an explanation) "he should have no more power in Scotland, than as a duke of Venice, which he would rather die than suffer." This resentment of his majesty was necessary and just: there was courage and policy in it. Had the king held firm to this resolution, and not complied with the rebellious Covenanters, himself and his kingdoms had been happy. Whether the marquis of Hamilton did not afterwards prevail with the king, to go too far in his condescensions, is somewhat of a question. Some considerable historians do not stick to affirm, this nobleman forgot his representation, and gave the Covenanters private encouragement to push the enterprise.

Guthrie's
Memoirs,
p. 34.
Lord Clarendon's
Hist. of the
Rebellion.

The Covenanters insisting peremptorily upon a parliament and general assembly, the commissioner desired time to go to court, for enlarging his instructions. Upon his return he acquainted the faction, he was empowered to convene a parliament, and a general assembly, provided they would acquiesce in these ten preliminary articles.

The commissioners' proposals to the faction.

783.

"1. That all ministers deposed or suspended by presbyteries, since the first of February last, without warrant of the ordinary, should be restored until they were legally convicted.

"2. That all moderators of presbyteries deposed since that time without such warrant, be restored, and all others chosen in their stead, to desist from acting as moderators.

"3. That no minister admitted since that time without such warrant shall exercise the function of the ministry.

"4. That all parishioners repair to their own church, and that elders assist the ministers in the discipline of the Church.

"5. That all bishops and ministers have their rents and stipends duly paid them.

"6. That all ministers attend their own churches, and none come to the assembly but such as shall be chosen commissioners from the presbyteries.

"7. That every moderator be appointed to be a commissioner from that presbytery whereof he is a moderator, according to the act of the assembly, 1606.

“ 8. That bishops and others who shall attend the assembly, be secured in their persons from all trouble. CHARLES
I. }
I.

“ 9. That no lay person meddle in the choice of commissioner from presbyteries.

“ 10. That all convocations and meetings be dissolved, and that the country be reduced to a peaceable posture.”

These articles being accepted no otherwise by the Covenanters, than that they should be referred to a general assembly, the commissioner contracted his ten propositions into these two :—

“ I. If the lords and others will undertake for themselves and the rest, that no laics shall have votes in choosing the ministers to be sent from the several presbyteries to the general assembly, nor none else but the ministers of the same presbytery.

“ II. If they will undertake that the assembly shall not go about to determine of things established by act of parliament, otherwise than by a remonstrance to the parliament, leaving the determining of things ecclesiastical to the general assembly; and things settled by acts of parliament to the parliament.”

Upon these two conditions he promised to convene a general assembly forthwith, and soon after a parliament.

The Covenanters growing angry at these proposals, gave immediate orders for a general assembly: but upon recollection they cooled in their rashness, and were contented to wait till the commissioner could return from the king with further answer: they gave him to the 21st of September, and promised not to proceed to the election till after that time.

The commissioner finding the king at Oatlands, returned within the limited term with new powers: and having summoned the council, he delivered them a letter from the king, in which his majesty had set down the measures he intended to pursue for composing the differences in Church and State. After this, the king's declaration was read at the cross of Edinburgh, for nulling the Service Book, the Book of Canons, and the High Commission; the five articles of Perth were declared void. It was farther granted, that all persons, ecclesiastical or civil, should be liable to the jurisdiction and cen-

*The king's
concessions
to the fac-
tion.*

LAUD,
Abp. Cant.

sure of parliament and general assembly; that no oath should be put to ministers at their admission but what was required by act of parliament. That the ancient confession of faith, with the band annexed, should be renewed and signed, pursuant to the practice in the late reign. That a general assembly should be held at Glasgow in November following, and a parliament at Edinburgh on the 15th of May next year. And, lastly, all instances of disloyalty and misbehaviour were pardoned.

Sept. 22,
A. D. 1638.

Immediately after the publishing of this declaration, the confession of faith was read, and signed by the marquis and the lords of the council. An act of the council was likewise proclaimed, requiring a general subscription of the confession of faith, and appointing commissioners for receiving that security.

Guthrie.

This declaration was received with great satisfaction by the moderate party; and now it was thought the Covenanters would acquiesce: but the leading men, who governed the rest, having a further design, went boldly to the Market Cross, and protested against the king's concessions, as not coming up to reasonable expectation. They conceived the subscribing the confession to the old band tied them too close to the government, and therefore would not endure the coming under such a restraint. And here James, earl of Montrose, who proved so brave a royalist afterwards, protested in form in behalf of the nobility, and was at present misled, or disobliged out of his duty.

The commissioners having given orders for the meeting of a general assembly, the Covenanters were busy in getting such members returned as they could confide in. And here the tables at Edinburgh took care to over-rule the ecclesiastical constitution, and form the assembly in an unprecedented manner. For this purpose, the brethren of each presbytery took an oath of secrecy, not to discover the directions of the tables. Notwithstanding this precaution, these private instructions were produced by the commissioners, and publicly read. I shall give the reader some of them:—

The Tables' instructions for managing the elections.

“ 1. Order must be taken that none be chosen ruling elders, but Covenanters, and those well affected to the business.

“ 2. That where the minister is not well affected, the

ruling elder be chosen by the commissioners of the shire, and spoken to particularly for that effect. CHARLES
I.

“ 3. That they be careful no chapel-men, chapter-men, or minister, justice of peace, be chosen, unless they have publicly renounced or declared the unlawfulness of their places.

“ 4. That the ruling elders come from every Church in equal number with the ministers ; and if the ministers oppose, put themselves in possession, notwithstanding any opposition.

“ 5. That the commissioner of every shire cause to be convened before him the ruling elders of every kirk, chosen before the day of election, and enjoin them upon their oath, that they give voice to none but those who are named already at the meeting at Edinburgh.

“ 6. That where there is a nobleman in the bounds of the presbytery, he be chosen ; and where there is none, there be chosen a baron, or one of the best quality, and he only a Covenanter.

“ 7. That the ablest man in every presbytery be provided to dispute. ‘ De potestate supremi magistratus in ecclesiasticis, præsertim in convocandis conciliis.’”

Proclamation.
Rushworth,
vol. 2.
p. 377.

Notwithstanding this article for learning and ability, some members of the assembly could neither write nor read : and yet these men were judges of heresy, and had an authority to condemn Arminianism. This packed conventicle, fearing some disturbance from the character and learning of the bishops, endeavoured to exclude them from voting. To this purpose they addressed the commissioner, to award a citation of the archbishops and bishops to appear at the assembly as criminals. This motion being refused as unprecedented, the Covenanters applied to the presbytery of Edinburgh. These ministers answered their request, and gave them a warrant for the most scandalous summons that was ever heard of in Christendom. In this libelling citation, all the bishops are charged with heresy, simony, perjury, incest, adultery, fornication, and breach of the Sabbath. To this they added the term “ respect-ive,” done, as was supposed, to amuse the vulgar, and make them believe the prelates were guilty through the whole imputation.

784.
Memoirs of
Duke of
Hamilton,
p. 98.

A scandalous summons issued by the presbytery of Edinburgh.

Id. p. 88.

The bishops made what effort the juncture would allow to assert their authority, and keep their standing. Thus, when

LAUD,
Abp. Cant.
*A general
assembly at
Glasgow.*

the assembly met, they put a declinator into the commissioner's hands,—that is, they protested against the legality of this pretended assembly, and pleaded in bar to their jurisdiction. The title of the remonstrance is called, “The Declinator and Protestation of the Archbishops and Bishops of the Church of Scotland, and others their Adherents, within that Kingdom, against the pretended General Assembly, holden at Glasgow, November the 21st, 1638.”

The King's
Large De-
claration,
248.

Their reasons for protesting are as follows:—

The bishops' protestation against it.

1. Because the usurped authority of the tables sent instructions to all the presbyters to elect members for the assembly, about a week before his majesty had issued out his warrant for summoning that meeting.

2. Their second exception was, because the assembly consisted of great numbers of the laity, who were allowed a decisive vote no less than the clergy, whereas such persons were legally disabled from acting under such a character.

3. Even those who pretended themselves ministers of God's word and sacraments were unqualified for being members of the assembly, in regard they had neither subscribed the articles of religion, nor taken the oaths of allegiance and supremacy, before the archbishop or bishop, &c., as the law required. And, further: they had lately protested against his majesty's gracious declaration; kept up their tables, discharged by authority; refused to subscribe the band enjoined by his majesty and the lords of the council; and adhered to their own engagement of “mutual defence against all persons whatsoever.” That, by behaving themselves thus disorderly, they had relapsed into the condition they were in before the king's pardon, and forfeited their claim to his majesty's promise of an assembly, which was only given on condition of dutiful behaviour.

4. Supposing—but not granting—the members of the assembly were capable of the authority they pretend to, and that the presbyteries were empowered to elect commissioners for that purpose, yet now, by deposing the moderators appointed by the bishops to preside in their synods, and substituting others in their place, they had forfeited that privilege. In proof of this exception, the bishops cite an act of the assembly at Glasgow, 1610; and an act of parliament, 1612.

By these acts the bishops are constituted moderators at these CHARLES meetings; and, in their absence, the minister nominated by ^{L.} the bishop.

5. To prove the nullity of the elections, it is alleged in the protestation, that the covenanting-presbyteries have taken in a lay-ruling elder, as they call him, out of every session and parish. Now these lay-elders being commonly lords of the manor, or persons of the biggest interest within the precinct, the electors are overruled both by the bulk and number of these men; by their number, I say, which frequently amounts to a majority: for the ministers being some of them absent, and others put in a black list, and disclaimed, the remaining part fall short of the proportion of the ruling-elders: and thus the representatives of the clergy are in effect chosen by the laity, contrary to all order, decency, and customary practice: and for this, besides the usage of the universal Church, they cite the acts of assemblies in Scotland; in one of which the famous Presbyterian Andrew Melvil was moderator.

6. It is urged in the declinator, that the members of this meeting have thrown themselves out of all pretensions to an ecclesiastical assembly, by their notorious misbehaviour, of which they give several instances.

First, these ministers, by seditious sermons and pamphlets, have reproached the king, arraigned the government, and harangued the people towards rebellion; and to debauch the subjects from their allegiance, have affirmed that all sovereign authority is originally in the collective body, and from thence derived upon the prince: and that in case of mal-administration, the king forfeits his authority, and the power escheats to the people. The bishops allege farther, that the members of this pretended assembly are schismatical and perjured persons; that they have sworn obedience to their ordinary, and yet made no conscience of so solemn an engagement. That they are either actually under the censures of the Church of Ireland or Scotland, or at least deserve to be convented before their ordinaries, for the scandalous liberties they have taken. For instance, for declaiming in their pulpits against the administration and laws of the kingdom: for reproaching people by name in their sermons, without any notoriety of fault: for holding meetings without his majesty's knowledge or consent: for invading other men's pulpits without call or authority: for

Act of Assembly at
St. Andrew's,
April 24,
A.D. 1582.
Act of Assembly at
Dundee,
A. D. 1597.

LAUD,
Abp. Cant.

presuming to convent their brethren, and proceed against them to the censures of suspension and deprivation: for pressing the people to subscribe a covenant, not allowed by authority, and opposing the signing another covenant, enjoined by his majesty and the lords of the council. That most of these irregularities stood condemned by general assemblies of their own nation.

Acts of Assembly at
Edinburgh,
May 22,
1590.
Acts of Assembly at
Perth,
May 1, 1596.

Besides this misbehaviour of the assembly ministers against the Church and State, it was in the bishops' power to charge them with a great many personal blemishes, which in charity they forbore to mention.

7. The declinator resumes the bishop's exception against laymen's having a decisive vote in a general assembly: but then they throw in a reserve of privilege for the king or his commissioner. But in other cases they declare it an invasion upon the pastoral office, and contrary to the practice of antiquity; and here they cite several authorities in proof of their assertion: but these testimonies, and several others, having been already mentioned in the course of this history, need not be repeated.

785.

8. The commissioners of this pretended assembly, or, at least, the greatest part of them, have already declared themselves against episcopacy, and, by consequence (by being professed enemies), are by no means qualified for judges; that it was upon this score of being precondemned, that the reformers protested against the council of Trent; that prejudice and disaffection was reckoned a sufficient excuse for Athanasius' not appearing at the councils of Tyre and Sardica.

Memoirs of
Duke of
Hamilton,
p. 88.
Large Declaration,
p. 255.

9. The bishops complain loudly, as they had reason, of the scandalous summons abovementioned, issued by the presbytery of Edinburgh. By the way, this infamous libel was read in the college church of Edinburgh after the communion, and ordered to be read in all the churches of Scotland, which was done accordingly. Besides the calumnies in this charge, they set forth the rudeness and illegality of proceeding in this manner (especially against their superiors), from several topics.

10. The declinator dilates upon the injury done to the episcopal character, by excluding the prelates from voting in the assembly; and that their not allowing an archbishop or bishop this privilege, unless elected by their presbyteries, is contrary to general practice, and without precedent in the earliest and

best ages of the Church. And further, barring the bishops a ^{CHARLES} ^{I.} precedence in ecclesiastical assemblies is a breach of the acts of parliament of their own kingdom; and here they cite two statutes enacted in the years 1606 and 1609.

Lastly. The declinator sets forth what a contradiction it is to reason and primitive practice, that archbishops and bishops should be judged by presbyteries; and, which carries the absurdity further, by a mixed company of presbyters and laics. That by the canons of the ancient Church, bishops are to be tried by none beneath their own order. After this the bishops wave this primitive privilege, and sink themselves to modern constitution; declaring, that for any charge relating to life or doctrine, they are willing to abide the trial of a general assembly, lawfully constituted, or of his majesty's high commissioner. They conclude with a solemn protestation, that this declinator is not made use of out of any consciousness of immorality or misconduct in their function; and therefore they humbly intreat his grace the commissioner for a free and lawful general assembly. This instrument is signed by the following prelates, though at different places, and dispersed by the persecution:—

JO. SANCTI ANDRE ARCH. THO. GALLOVIDIEN.

PA. GLASGOW.

DA. EDINBURGEN.

JO. ROSSEN.

WALTERUS BRECHINEN.

Concil.
Carthag. 1.
can. 11.
Concil.
Carthag.
A. D. 419.
can. 12.

Large De-
claration,
p. 264.

Notwithstanding this protestation, the covenanting synod went on. Alexander Henderson was their moderator, and Archibald Johnston their clerk or registrar. The lord commissioner sat about a week with these men, in hopes to bring them off their extravagant demands; but finding the reducing them to order and customary form wholly impracticable, and that they were unalterably resolved to exclude the bishops, he dissolved the assembly by proclamation, and commanded the members to retire under pain of treason. This dissolution was publicly protested against by several hundreds, and instruments taken in their names by the earl of Rothes.

*This John-
ston was
clerk of their
Tables at
Edinburgh.
Rushworth,
pt 2. p. 847.*

*The com-
mission dis-
solves the
assembly.
Nov. 28,
1638.*

Notwithstanding this discharge, the assembly sat every day for several weeks; neither did they break up till they had gone through their affairs, and were pleased to dissolve themselves. The main things transacted were these:—"All general assem-

*Guthrie's
Memoirs.
Which sits
notwith-
standing.*

LAUD,
Abp. Cant.

*The business
done by this
pretended
assembly.*

See Records,
num. 113.

Guthrie.

*The Cove-
nanters keep
an agent at
London.
This agent
was Eleazar
Borthwick,
a minister.*

P. 408, et
deinceps.

*The Cove-
nanters'
disloyal
tenets.*

blies since the year 1605 were declared void; the Common Prayer-book, the Book of Canons and Ordination, the High Commission, and the Articles of Perth, were all nulled and condemned; and the covenant allowed by king James, in the year 1580, was declared the same in substance with that they had now taken, and that episcopacy was abjured in the former." After this, they proceeded to depose the bishops, and excommunicated all of that order who refused to submit to their authority. A great many of the presbyters were likewise deprived. They appointed commissioners also to sit in several places, after the recess, for ejecting and deposing all those they found untractable. Their last business was a resolve, that a letter should be sent to the king to intreat his royal assent to every thing that had been done in this pretended assembly. And thus these Covenanters, having succeeded in their mutiny, and outraged the constitution in Church and State, broke up their meeting on the 20th of December. When their commissioners, or triers, came to Edinburgh, they found little business with the ministers; for all the clergy had retired from that town for fear of persecution. All of them, I say, excepting Ramsey and Rollock, who, being both zealous Covenanters, had no reason to be apprehensive of hardship.

These Covenanters, to strengthen their party, and draw the English mal-contents into the confederacy, kept an agent at London, to transact with the Nonconformists. To proceed.

Upon this defiance of the government, the commissioner left Scotland and came to court. The king being apprehensive of these consequences, from the nature of the engagement, we need not wonder his majesty expressed his aversion in such strong language. Indeed, he could expect nothing but disobedience of the most provoking kind; for there was scarce any instance of rebellion which might not be justified by their principles. To mention some of their treasonable tenets, as they lie in the king's large declaration, penned by Dr. Balcanquel.

"To begin. The Covenanters hold, that if a law is interpreted by the government in a sense disliked by the majority of the people, the body of the kingdom, for whose benefit the law was made, may fairly overrule such a construction, and redress the grievances suffered by it.

"2. They maintain, it is lawful for subjects to form an association without the king, and to enter into a covenant for mutual defence 'against all persons whatsoever.' The universality of which proposition implies hostility and treason against the king; and therefore, to prevent the effect of this dangerous implication, all those who enter into such criminal engagements, are capitally punishable by the laws.

CHARLES

1.

James 6.
parl. 10.
act. 12.
Q. Mary,
parl. 9.
act. 75.

786.

"3. If any subjects are summoned before the king and council for any misdemeanour, if those who are thus to make their appearance conceive the business for which they are questioned, 'concerns the glory of God, or the good of the Church, it is then lawful for them to appeal from his majesty and the board to the next general assembly and parliament;' and that, hanging the appeal, they may disobey the government. Though, as his majesty observes, those ministers who appealed from his royal father and his council were indicted and found guilty of treason.

"4. That applying to the king for calling a general assembly is rather matter of ceremony and interest, than duty; and in case they are refused by the crown, they may convene themselves.

"5. If either the king, or his commissioner, present at an assembly, shall refuse to give his assent, upon a persuasion that the thing is unjust, and clashes with the laws of the realm: in this case, if the matter happens to be carried by a majority of the members, the king is then obliged by the law of God to execute such an act of the assembly: and provided the ministers of state or the magistracy shall refuse to do their part, they must then be liable to the highest censures of the Church, and by consequence incur the forfeiture of their places and estates.

"6. The Covenanters assert, 'that an assembly may repeal acts of parliament, and supersede the obligation of the laws, provided they any ways intrench upon the business of the Church.'

"7. The subjects protesting against the laws, whether the protestation is made *coram judice* or *non judice*, discharges the protesters from their obedience to such laws: and by the Covenanters' doctrine the people are thus disengaged before the legality of their protestations are tried by competent judges; nay, though they are disclaimed by the council and the ministers of justice when they are made."

LAUD,
Abp. Cant.

Their last position which I shall mention, by which they support their practice and justify their revolt, is very extraordinary. "The majority of the kingdom," say they, "being upon the score of their numbers the most considerable division, have the liberty of making use of any expedient which they conceive serviceable to the glory of God and the good of the Church, any laws or statutes to the contrary notwithstanding: and that this majority, especially when represented by an assembly, may, without the authority royal, and, which is more, against the express command of the king and council, and against the declared opinion of the judges, elect some few noblemen, barons, ministers, and burgesses; who, under the distinction of a committee from the general assembly, may lawfully sit, transact, and settle business touching Church and State, as if there was neither prince, council, nor judge in the realm."

The Large
Declaration.
Some scandalous
passages in the
Covenanters'
sermons.

The bishops' declinator having charged the covenanting ministers with their scandalous licence in their sermons and prayers, I shall give some instances of this misbehaviour; one of these men refused to pray in the church for sir William Nesbit, provost of Edinburgh, when lying upon his death-bed, only "because he had not subscribed the covenant." Another prayed God "to scatter them all in Israel, and divide them in Jacob, who had counselled us to require the confession of faith to be subscribed by the king's authority." Many of these ministers refused to admit those to the Lord's Supper who had not signed the covenant: and, which is more remarkable, in their exhortation before the holy sacrament, they expressly range these non-compliers in the same class with adulterers, slanderers, blasphemers, &c. One of them preached, "that all non-subscribers of the covenant were atheists;" and thus all the lords of the council, and all the lords of the session, were brought under this vile denomination. Another preached, "that as the wrath of God was never diverted from his people until the seven sons of Saul were hanged up before the Lord in Gibeon; so the wrath of God would never depart from that kingdom till the twice seven prelates (the number of the Scotch sees) were hanged up before the Lord there." Another delivered in the pulpit, "that though there were never so many acts of parliament against the covenant, yet it ought to be maintained against them all." Another held forth with this sentence, "let us never give over till we have the king in

our power, and then he shall see how good subjects we are.” CHARLES I.
 Another declaration of one of these zealous Covenanters was,
 “that the bloodiest and sharpest war was rather to be endured
 than the least error in doctrine and discipline.” Another in
 his sermon wished “that he, and all the bishops in that king-
 dom, were in a bottomless boat at sea together; for he could
 be well content to lose his life so they might lose theirs¹.”

*King's Large
Declaration,
p. 403, 404.*

The Covenanters being furnished with such principles and
 such preachers, we need not be surprised at their breaking out
 into the last disorder: and now the king finding it necessary
 to apply to force, published a declaration to justify his expedi-
 tion against them. To this purpose his majesty sets forth,
 “that he had endeavoured to recover the Scots to their duty
 by gentle methods, but that his clemency had been thrown
 away upon them; that notwithstanding the pretences of reli-
 gion, rebellion was at the bottom. That it is plain their
 design was to insult the prerogative, and dissolve the monarchy
 into a commonwealth: that some of the Scotch had made it
 their business to pervert his loyal subjects of this realm: that
 to carry on this treasonable design, they had dispersed nutti-
 nous pamphlets, talked seditiously at public meetings, and re-
 proached the king and his government: that now they had
 broken out into overt acts of rebellion, drawn his subjects toge-
 ther, run to arms, besieged his castles, levied taxes upon the
 people, and menaced his loyal subjects with violence and mili-
 tary execution. That now the question is not whether a ser-
 vice-book is to be received? Whether the government of the
 Church shall be episcopal or Presbyterian? But whether his
 majesty is their king or not? That notwithstanding his pa-
 tience has held thus long, he would not have them, or any of
 his subjects, think he can, or will, admit the abolition of epis-
 copal government: a government of the Church best recom-
 mended in itself, and established by many acts of parliament in
 that kingdom.”

*The king's
declaration,
and his ex-
pedition
against the
Scots.*

His majesty further declares, “that by sending the service-
 book amongst them he never designed to make any change in
 their religion, but only to bring both kingdoms to an uni-

¹ The Scotch Covenanters were doubtless zealous, and perhaps sincere; but they exhibited an amount of religious bigotry, political rebellion, and sectarian onesidedness, which would be incredible, did we not know that party spirit is capable of producing the most enormous follies and vices.

LAUD,
Abp. Cant.
787.

formity in divine worship. And whereas they have spread a report that some persons of power in the hierarchy of England had solicited his majesty to levy an army against the Scots, and disturb them in their religion; he clears all the English bishops of this imputation; that not one of them had taken the least step in these affairs but by his royal direction and command. And as for suggesting the expedient of war, it was notoriously known to all his majesty's council then present, that the English bishops solicited for peace and accommodation, and used all their interest to prevail with his majesty for that undeserved lenity with which the Scots had been hitherto treated."

Feb. 20,
A.D. 1638-9.

And to prevent his subjects being poisoned with these rebellious libels, he commands those who have any of them to deliver them to the next justice of peace; to be transmitted from the justices to the secretaries' office. And, lastly, it is ordered, that this proclamation should be read in time of divine service, in every church of the kingdom; that all the people may be convinced of the notorious misbehaviour of these men, and see the justice and clemency of his majesty's proceedings.

Bibl. Regia,
sect. 24.
p. 173.

By the archbishop's report of the state of his province this year, it appears things continued much in the same condition as formerly; the Church rather gaining ground upon the Dissenters than otherwise.

April, 29,
A.D. 1639.
*The king
marches
against the
Scots.*

In the beginning of the spring, the king marched his army against the Scots. His forces had a very promising appearance, and were much superior to those of the Covenanters. The earl of Arundel was general, the earl of Holland general of the horse, and the earl of Essex lieutenant-general of the foot. These troops were furnished with experienced commanders, and well provided with ammunition and artillery. There were likewise several regiments aboard the fleet, commanded by the marquis of Hamilton. This admiral's business was to cruise upon the coast of Scotland, to block up their havens, to distress them in their trade, and debark his land forces for further service, as occasion required. But it seems he had made an ill choice of his ships for this expedition; the bulk of them being too great to give chase, to come close to the shore, and do execution upon the enemy. However, this misfortune would not have broken the king's measures. He

Warwick's
Memoirs.

was well prepared to have given the Scots battle, and in all probability might have reduced them to an entire obedience. CHARLES I.
 But the Covenanters, as they had reason, fearing the event of a contest, petitioned for a treaty. And thus, after the two armies had encamped within view of each other, and done little, a pacification was signed at Berwick. By the way, before the treaty came on, Essex secured the town of Berwick, and did his part with advantage enough; but Holland and Idem.
 Hamilton performed beneath expectation.

The articles of the pacification, relating to the Church were, "That his majesty should confirm what his commissioner had already promised in his name: that a general assembly should be held at Edinburgh on the sixth of August next ensuing, and a parliament on the twentieth of August at the same place. And the Covenanters on their part were to disband their forces, break up the tables, and hold no meetings or consultations, but such as are warranted by act of parliament." And not to mention the rest of the articles, the king's good nature seems to have made an omission in one point: "for the Scots were not obliged to disclaim the proceedings of the pretended assembly at Glasgow." And yet by the boldness and disorder of that meeting, the government of the Church had been reversed, the people heated to sedition, whereby the king's honour suffered extremely. And over and above, by capitulating with a rebellion in form, he brought the revolvers too much upon a level with himself, fleshed them in their insolence, and encouraged them to a new insurrection. And besides the overindulgence of these concessions, his majesty is thought to have relied too much upon the good faith of the Covenanters. Had the king done no more than withdrawn his army to a farther distance from the borders: had he held his hand until he had seen the issue of the next assembly and parliament, he might probably have secured the repose of both kingdoms. But by disbanding his forces before the Scotch had done their part in executing the treaty, he disheartened his loyal subjects in that kingdom; and left them, in a manner, at the mercy of the covenant. To which we may add, the English gentry, who made no small part of his army, were balked in their expectation; shocked with a treaty so dishonourable to the crown, and sensibly disobliged by being thus suddenly dis-

*And makes
an unusu-
ally peaceable pa-
cification at
Berwick.*

LAUD,
Abp. Cant.

charged: and that without any thanks returned for their forwardness in his majesty's service.

*The Scots
make a
public de-
claration of
their adhe-
rence to their
late assembly
and cove-
nant.*

The Scots finding the king had parted with his forces, and disabled himself for revenging an infraction upon the treaty: perceiving the king, I say, in this unguarded condition, "they resume the old spirit of mutiny, and declare their resolution of adhering to their late proceedings; and particularly they declare themselves resolved to stand to the covenant, and general assembly at Glasgow: that they are obliged by their former oath and protestations to maintain it as a most lawful, free, and general assembly of that kingdom: and that all acts and censures, and especially the censures of deprivation and excommunication of the pretended archbishops and bishops, are agreeable to the discipline and constitution of the Kirk of Scotland. Further, they protest themselves unalterably resolved to adhere to their solemn covenant with God, as declared in the assembly, in which the office of archbishops and bishops is adjured: that the pretended archbishops and bishops, who usurp the office and title abjured, and condemn the censures of the Church, have been malicious incendiaries, and mis-reported this kingdom to his majesty. And in case they return hither they shall be looked on as excommunicate persons, delivered up to the devil, and treated as heathens and publicans. And, lastly, that all those who entertain and support the excommunicated prelates, shall be prosecuted to excommunication, pursuant to the acts and constitution of the Kirk."

July 1,
A.D. 1639.
Bibliotheca
Regia,
sec. 11.
p. 377.
788.

*They mis-
represent the
treaty in
print.*

Guthrie's
Memoirs.

After this protestation, they published a paper containing the heads of the late pacification; but this account was so partially penned in favour of themselves, and so much to the king's disadvantage, that it was ordered to be called in, and burnt by the hangman. And now, being conscious how deeply his majesty must resent these indignities, they continued their meetings as formerly; maintained their garrison at Leith, the port to Edinburgh; kept their officers in full pay, for the next occasion; and harassed all those of a different sentiment. This misbehaviour being seconded with a riotous assault upon some of the lords of the council and session, the king altered his resolution of going into Scotland to their parliament and assembly; and thus, having constituted the earl of Traquair

high commissioner, he returned to London. What the purport of the earl's commission was, the reader may see in the records.

CHARLES

I.

See Records,
num. 114,
115, 116.

On the 12th of August, the general assembly met at Edinburgh; the commissioner and the lords of the council being every day present. And here the late proceedings at Glasgow were all confirmed: episcopacy was declared unlawful, and contrary to the Word of God; and the covenant was approved, and ordered to be sworn and subscribed by the whole kingdom; and—which is somewhat extraordinary—the commissioner Traquair lent them the force of his character, and gave his assent to all this.

*The general
assembly at
Edinburgh
confirms the
proceedings
at Glasgow.*

If we inquire into the reason why the bishops had so many enemies, of all degrees, in Scotland, it may be observed, that one prejudice against them was their abetting the Arminian side in the late controversy in Holland. But this cannot reasonably be interpreted to be any approach towards popery: for the Protestants of the Augustine confession hold the questions the same way. Further: the Scotch ministers and people had a very scrupulous regard for the observation of the Lord's-day, insomuch, that the morality of this festival was generally reckoned an article of faith. Now, the bishops, not going along with them to all the lengths of this opinion, lost their esteem. Besides, their declaring themselves so forward for the liturgy and ceremonies of England drew misconstructions upon them: for the ignorance of many of the Scotch zealots was such, as to account this form of worship no better than popery. The ministers thought themselves ill used by their bishops, for putting a new oath upon them at their admission to a cure, by virtue of which they were obliged to own the articles of Perth, and conform to the liturgy and canons. They pretended likewise the prelates carried their authority too far, and encroached upon the presbyter's jurisdiction. As for the nobility, they seemed to grudge them their interest with the king; complaining that favours were bestowed on their recommendation; that they were preferred to places of the greatest dignity and trust in the civil government; for Spotswood, archbishop of St. Andrew's, was lord chancellor, and nine of the bishops were privy-councillors. But that which galled them most, was an apprehension the bishops might recover something of the patrimony of the Church, which was seized

*The motives
to disaffec-
tion to the
Scottish
bishops.*

*For this
there are
several pre-
cedents.*

LAUD,
Abp. Cant.

in the disorders of the Reformation. They had lately gotten one Learnmonth, a minister, presented abbot of Lindoris; and seemed not without hope that the rest of the abbacies, with the estates and jurisdiction annexed, might be recovered into the hands of churchmen. They are likewise said to have projected an attempt, that the College of Justice, pursuant to its first institution, should be half ecclesiastics. The nobility and barons, who had enriched themselves with the spoils of the Church, were probably very uneasy at the thoughts of restitution, and that the government should return in some measure to its ancient constitution. Thus people that are wronged are commonly hated by those who gain by the injury; and it is oftentimes an unpardonable provocation to move for equity and justice.

Memoirs of
Duke of
Hamilton,
p. 29, 30.

To proceed: the next business of the assembly was to furnish the universities with professors of their own complexion. The Anti-covenanters, it seems, finding these places too hot for them, had retired, and left the chairs empty. Now, since the generality of the Scots were not a little governed by the pulpits, the assembly found it necessary to provide a set of proper directors; that, by this precaution, the young divines might be serviceably seasoned, and bred true to the cause. Neither was this reinforcement more than necessary: for many of the old ministers began to see through their designs, and desert the covenant. But these young divines were very seasonable recruits: nothing could be more blind and bold, more furious and enterprising, than these men.

Guthrie.

However, the disloyal part of the covenant was somewhat disabled by an explication of the band of defence, passed in these words by the assembly:—

“ We do swear, not only our mutual concurrence and assistance for the cause of religion, and to the utmost of our power, with our means and lives, to stand to the defence of our dread sovereign and his authority, in the preservation and defence of the said true religion, liberties, and laws of this Kirk and kingdom; but also, in every cause which may concern his majesty’s honour, we shall (according to the laws of this kingdom and duty of good subjects) concur with our friends and followers, in quiet manner, or in arms, as we shall be

required by his majesty's council, or any having his authority." CHARLES I.

But then they refused to subscribe the declaration proposed by the high commissioner, which barred resistance, and tied them close to their duty. The remarkable clause is this: "All the subjects of this kingdom, for vindicating themselves from all suspicions of disloyalty, or derogating from the greatness and authority of our dread sovereign, have declared this covenant to be one in substance with that which was subscribed by his father (of blessed memory), in the years 1580, 1581, 1590, and often since renewed."

Rushworth's Collections, part 2. p. 955.

Id. p. 962.

Upon the 31st of August the parliament met, and confirmed all the acts of the assembly, changed the old form of choosing the lords of the articles, erected a third estate of lairds or barons in the room of the bishops; and, to all these bills, and several others derogatory to the crown, the commissioner assented.

And the parliament confirms the acts of the Edinburgh assembly.

To come back to England: much about this time, by the encouragement of archbishop Laud, the English Liturgy was translated into Greek by one Petly, as it had been into French by king James's order for the use of the Isle of Jersey. And, to secure the hierarchy from being overrun by the covenanting Scotch, and English Puritans, who acted in concert with them, he thought it necessary to raise some further defences.

789.

To this purpose, he prevailed with Hall, bishop of Exeter, to compose a treatise of "The Divine Right of Episcopacy;" this was to serve as a counter-battery upon the late Presbyterian assemblies at Glasgow and Edinburgh. Exeter having struck out the lines of this scheme, sent them up to the archbishop, to be altered as he thought fit. The two main propositions he designed to make good were:

Bishop Hall's first draught of his book entitled, "The Divine Right of Episcopacy."

"First, That episcopacy is a lawful, most ancient, and divine institution, (as it is joined with parity and superiority of jurisdiction;) and therefore, where Providence has settled it, it cannot be thrown off by human power, without manifest violation of God's ordinance.

"Secondly, That the Presbyterian government, though challenging the glorious distinctions of Christ's kingdom and ordinance, has no foundation either in Scripture, or the practice of the Church for the first fifteen hundred years. And

LAUD,
Abp. Cant.

though (to speak in bishop Hall's own words) it may be of use in some cities and territories, wherein episcopal government, through iniquity of times, cannot be had, yet to obtrude it upon a Church, otherwise settled under an acknowledged monarchy, is altogether incongruous and unjustifiable."

To make good these two propositions, he laid down some postulata, as he calls them, to superstruct his reasoning upon. These principles, which he concludes cannot be contested, are as follows :—

" 1. That government, which was of apostolical institution, cannot be denied to stand upon divine right.

" 2. Not only a government, which was expressly commanded, but that which was practised and recommended by the Apostles to the Church, ought in reason to pass for an apostolical institution.

" 3. A government set up by the Apostles, by Divine inspiration, was designed for perpetuity, and not only for the benefit of the age in which they lived.

" 4. The universal practice of the Church immediately succeeding the Apostles, is the best comment both upon the practice and writings of the Apostles.

" 5. We ought not to entertain so ill an opinion of the holy Fathers and primitive Martyrs of the Church, as to suppose that they who immediately succeeded the Apostles, had either inclination, or hardness enough, to set up an exceptionable government, or so much as to change the kind that they had received.

" 6. Supposing their presumption had been of this size, yet it would not have been in their power to have carried their novelty so universally through all parts of Christendom, in so short a time.

" 7. That ancient records of the history of the Church, and the writings of the first Fathers, are of better authority for the primitive form of Church government, than those of this last age.

" 8. That those condemned for heretics by the ancients, are no good vouchers for Church government.

" 9. That the accession of privilege and honourable titles does not affect the substance of the episcopal function.

" 10. Those places of Scripture, upon which a new form of

government is founded, had need be very clear and unquestionable, and carry a more demonstrative and indisputable evidence than those texts from which the old rejected hierarchy is inferred. CHARLES I.

“ 11. If that order, which they (the Presbyterians) say Christ established for the government of the Church, and which they call the kingdom of Christ; if this order is single and clearly distinguished, then they would have been agreed long before this time about the form and conditions of this institution.

“ 12. If this, as they (the Puritans and Dissenters) pretend, is the kingdom and ordinance of God; then in case it happens to be defective in any essentials, it will follow that Christ's kingdom is not set up in the Church.

“ 13. Christian polity requires nothing impossible or absurd.

“ 14. Those tenets, which in many essential points are new and unheard of, ought to be suspected.

“ 15. To revolt from the practice of the universal Church from the apostles to Calvin, and run into a modern scheme, can be no less than a scandalous singularity.”

This sketch, sent up to Lambeth, was in the main approved by the archbishop: some part of the draught notwithstanding he thought capable of being mended. And since bishop Hall had submitted the censure entirely to his metropolitan, Laud made some alterations in his main propositions, and assigned the reasons for taking this freedom. The archbishop, in his letter to Hall, takes notice that this prelate, in his first head, had affirmed episcopacy an ancient, holy, and divine institution. Now Laud conceived these words ancient and holy were expressions of abatement, and diluted the strength of the assertion; and therefore “thought it more advisable to give the passage fewer epithets, and affirm it more categorically of divine institution. In the next place, Hall defined episcopacy by joining it with imparity and superiority of jurisdiction: but this,” says Laud, “seems short; for every archdeacon's post has this advantage; and that Henderson's chair at Glasgow was higher than the rest. And therefore, to do right to episcopacy, we must define it by a distinction of order. I draw the superiority,” continues the archbishop, “not from any jurisdiction vested in bishops, *jure positivo*; not from any right

The archbishop's animadversions upon this tract.

LAUD,
Abp. Cant.

granted them by princes or canon law ; but from the intrinsic powers resulting from their character, and consequent upon their consecration." The archbishop shall speak the rest of his remarks in his own person. " You say where episcopacy has been settled, it cannot be discharged without a violation of God's ordinance. This proposition, I conceive, is *inter minus habentes*, and wants compass ; for there was never yet any Church where this form was not originally settled. And therefore, wherever episcopacy is not settled at present, it is certain it has been thrown off. For in the beginning it was evidently there.

790.

" In a second head you grant Presbyterian government may be of use where episcopacy cannot be had. First, I desire you would consider whether this is not an unnecessary and dangerous concession. Next, I am of opinion there is no place where episcopacy is impracticable. Thirdly, since, as you observe, they are so bold in their claim, and carry their pretensions so high ; since they obtrude their Presbyterian fiction for Christ's kingdom and ordinance, and throw off episcopacy as an opposite and unwarrantable government,—we must not use any mincing terms, but unmask them plainly, and expose the delusion ; we must not embarrass ourselves, and compliment away truth, for fear of displeasing Amsterdam or Geneva with this plain dealing.

" As to your postulata," continues the archbishop, " I desire you would allow me the same freedom ; your first two are true, but too narrowly expressed : for episcopacy is not to be so confined to apostolical institution as to bar it from a further ascent, and from deriving it originally from our Saviour himself ; though perhaps the apostles might superstruct something with respect to form and circumstances. And here give me leave to enlarge a little : the adversaries of episcopacy are not only the furious Arian heretics, amongst which we may reckon the Scottish novelists : besides these, there are others of a more specious alloy, both in the Genevian and Roman faction. The latter division will be contented episcopacy should be *juris divini mediati*, by, from, and under the pope, leaving him the privilege of a spiritual monarch over the whole Church. But these controversy writers of the court of Rome will not allow episcopacy to be *juris divini immediati*, which makes the Church (as Laud goes on) aristocratical in the

bishops:" though, with due submission to his authority, I ^{CHARLES}
 humbly conceive the immediate divine right of episcopacy sup- ^{1.}
 poses an original independency amongst those of that order ;
 and that all privilege and preference of one see above another
 was the result of subsequent compacts and concessions of the
 episcopal college. To return : " this distinction of *juris divini*
mediati," continues the archbishop, " is the Italian rock ; of
 which the Genevians, to give them their due, stand clear.
 Some of these men will not deny episcopacy to be *juris divini*,
 without the above-mentioned distinction : but then they throw
 in qualifying terms of another kind, it is *ut suadentis vel appro-*
bantis, sed non imperantis : they will needs have this kind of
 government stand upon courtesy, and leave it to the discretion
 of the people. And thus, by the help of this reserve, they
 may either admit or renounce it, as interest or fancy happens
 to suggest : nay, unless my memory very much fails me, (I
 speak in the archbishop's name,) Beza himself is said to have
 owned episcopacy to be *juris divini imperantis* : but then he
 comes in with this salvo of *non universaliter imperantis* ; and
 that it was instituted *citra considerationem durationis*. And
 thus by fencing with these distinctions, and going a little at
 large, Geneva and Scotland may escape censure, give them-
 selves a dispensation from Catholic practice, live under bishops
 in one age, and without them in another. This is the great
 rock in the lake of Geneva, which hitherto you seem not to
 have sufficiently marked. In your ninth postulatam you affirm
 the annexing honourable titles or privileges makes no differ-
 ence in the substance of the calling ; I suppose you mean titles
 of archbishops, primates, patriarchs, &c. But then I entreat
 you would take care to guard your meaning from misconstruc-
 tion ; for otherwise it is probable the faction may make an
 advantage of the assertion ; they may pretend it is possible
 that a bishop implies no more than an honourable distinction,
 and that their order and powers are the same with that of a
 priest. As to the eleventh postulatam, it must be managed
 with great caution, for fear of a saucy answer, which is a great
 deal more ready with them than a learned one."

Rushworth,
 part 2.

After this the archbishop desires Hall would send him up
 each head, or postulatam, as they were finished, for further
 consideration ; and concludes with a ceremonious excuse for

LAUD,
Abp. Cant.

*Hall alters
his book
upon the
archbishop's
corrections.*

the frankness of his remarks. By these reflections the reader may perceive the archbishop was a person of a primitive spirit, and of great judgment and penetration: that the learned bishop Hall had this honourable opinion of him, appears by his governing his performance upon Laud's animadversions. When this book, entitled "Episcopacy by Divine Right," &c. was finished, the author laid the manuscript before Laud for his last review. And here, amongst other things, the archbishop took notice that the Sabbatarian rigours were too gently touched. He remarked further, that Hall had waived the discussion of this question, "Whether episcopacy be an order or degree?" as not much material: whereas those learned men the archbishop consulted thought the main controversy turned upon this point. He therefore desired the bishop to recollect himself for some alterations in this part of the argument. But the most shocking passages were, Hall's calling the pope Antichrist in such undisguised and decisive expressions. This rugged usage of a Christian bishop was not defensible, in Laud's opinion: and in this a great many learned Protestants concurred with him. However, before he came to any resolution, he acquainted his majesty with the business. How the matter was settled by the king and the archbishop, will appear by his letter to the bishop of Exeter; which I shall transcribe as it lies before me.

"The last (with which I durst not but acquaint his majesty) is about Antichrist, which title, in three or four places, you bestow upon the pope positively and determinately; whereas king James (of blessed memory) having brought strong proof in a work of his, as you well know, to prove the pope to be Antichrist; yet being afterwards challenged about it, he made this answer, when the king that now is, went into Spain, and acquainted him with it: 'That he writ that not concludingly, but by way of argument only; that the pope, and his adherents, might see there was as good and better arguments to prove him Antichrist, than for the pope to challenge temporal jurisdiction over kings.' The whole passage being known to me, I could not but speak with the king about it, who commanded me to write unto you, that you might qualify your expressions in these particulars, and so not differ from the

January,
A.D. 1639-
40.

known judgment of his pious and learned father. This is easily done with your own pen; and the rather, because all Protestants join not in this opinion of Antichrist."

CHARLES
I.
Cyprian.
Anglic.
p. 460.

791.

The bishop of Exeter, swayed by the reasoning and authority of this letter, softened some of his expressions, and expunged others, to the king's and archbishop's satisfaction.

In the archbishop's account of his province this year, he acquaints the king, "that in his diocese near Ashford, several Anabaptists, and other Separatists, stood out so obstinately against the censures of the Church, that there was no other way of dealing with them, but by having recourse to the statute for abjuration, or applying some other way to the assistance of the temporal courts. But whether this remedy was proper, or not, at this disturbed juncture, is referred to his majesty."

*The arch-
bishop's
account of
his province.*

From the diocese of London it is certified, that the last year there was a warm contest in the pulpit between Mr. Goodwin, vicar of St. Stephen's Coleman-street, and some other city ministers: the subject of their dispute was touching the act of believing, and the imputation of Christ's righteousness in the justification of a sinner: the people, it seems, were very much entangled, and uneasy in this controversy. The matter had been taken up by the bishop and chancellor, and the parties had promised to be quiet: but this year Goodwin broke his engagement, revived the contest, and preached the people into their former scruples and ferments: however, the lord bishop did not despair of a good issue¹.

*Hist. of the
Troubles,
&c. of
Archbishop
Laud.*

The diocese of Norwich was quiet, and conformable, as any part of the kingdom. This, by the way, was a great reformation, brought on by Wrenn and Montague, in a few years.

The bishop of Ely certified, that sir John Cutts, of Childerly near Cambridge, kept a chaplain, though unqualified by law. The case, as the archbishop acquaints the king, was this:—There were anciently two parishes in Childerly; the one had been long since lost, the other remains presentative. But now, excepting the knight's house, the whole town is depopulated; the church is tumbled into rubbish, and upon the remaining part of the walls a stable, a brew-house, and other

¹ John Goodwin (says Granger) made more noise in the world than any other person of his age, rank, or profession. A very questionable assertion.

LAUD,
Abp. Cant.

offices are built. Upon this rectory the knight always provides a titular incumbent, who receives none of the tithes. But then he has a chapel, which, as he says, was consecrated by bishop Heton. He entertained a stipendiary chaplain under the colour of being the parson's curate: but that in fact he was neither appointed, nor paid by the incumbent. In short, by this means a good rectory was swallowed, and that almost within view of the university.

The bishop of Ely certifieth further, that in Emanuel, Sidney, and Corpus Christi colleges in Cambridge, the rooms they used for chapels were never consecrated.

It was likewise presented to this bishop (Wrenn), that about forty years since, one sir Francis Hind pulled down the church of St. Ethelred in Histon, being a vicarage presentative, and forced the parishioners to go to another small church in that town, to their great inconvenience: and that the lead, timber, stones, bells, and all other materials, were sold by the said sir Francis; or made use of for the building his house in Madingley.

The bishop of Peterborough certifies, that some knights, and other secular gentlemen, entertained scholars in their houses for conversation; or gave the vicar his board, where the endowment was small: and this they alleged was not keeping a chaplain, forbidden by the king's instructions. However, most of these scholars performed the office of a chaplain, that is, they said prayers, but not the Common Prayer appointed by the rubric. This bishop acquaints his metropolitan, that few of the laity are factious, but where the clergy misled them. And this observation Laud is afraid will hold in most parts of the kingdom.

In the diocese of Exeter, one Coxe preached a sermon upon Hosea iv. 4. to prove the Clauſure of England did not maintain the calling of bishops to be *jure divino*: this sermon made an ill impression upon a great many people in those parts. But the bishop of Exeter having discoursed with this Coxe, sent him up to the archbishop; where, receiving full satisfaction upon the question, he went home, and of his own voluntary motion, made a handsome recantation, and recovered the people he had formerly misled.

Jan. 2.
1639-40.

Id.

The bishops of Bath and Wells, Sarum, Worcester, Gloucester, Rochester, St. David's, Landaff, and Bangor, certify,

that his majesty's instructions were punctually observed in their dioceses; and that in other respects they were likewise in a regular condition: the bishop of Chichester's certificate is much to the same purpose: only he adds, that this diocese is not so much troubled with Puritan ministers, as with Puritan justices of peace; of which it seems there were a great many: the rest of the dioceses returning nothing remarkably amiss, I shall pass them over.

This was the last annual information the archbishop sent the king. Now, if we consider the condition of the Church at Laud's coming to Canterbury, we shall find him very successful in his administration: and had not the rebellion come on, and thrown him out of his seat, he would, in all likelihood, either have converted, or crushed, the Puritan sect, and recovered his province to an entire conformity.

But now the English faction being animated by the king's late indulgence to the Scots, the times grew disturbed, and the government was much embarrassed. To relieve his majesty under these difficulties, the earl of Strafford, lord deputy of Ireland, the archbishop of Canterbury, and the marquis of Hamilton, advised the calling a parliament; it was likewise resolved at the board to give the king an extraordinary assistance, in case the houses should prove incontinent, and refuse the passing of subsidies ¹.

Hist. of the
Troubles,
&c.
Archbishop
Laud's
Diary, p. 59.

¹ The divine theory of kingship, set forth in Scripture and illustrated by the Fathers, was unhappily little understood in the times of the Stuarts. That divine theory combines all that is true in the doctrines of Filmer on one side, and Locke on the other. It supposes that king and people are alike parts of one political system,—the head and members of one political personification. As such, both king and people possess not only certain united, but certain distinct rights, which must be mutually respected in order to produce syncretic harmony, so warmly eulogized by Cicero in his treatise "De Republicâ." The king, as supreme head, is doubtless to be revered and obeyed under God with every possible submission consistent with the conscience of the subject. So far Filmer is right. But there always exists a possibility that kings may exceed their office, and command things that are notoriously opposed to the laws of God and nature, or impossible in themselves. Now, in such case there may be many who think themselves as subjects bound to obey the constitutional power at all risks, believing that the moral responsibility of wrong orders rests with the sovereign from whom they emanate. But there will likewise be many for "quot homines tot sententiæ," who agree with Locke, and think their own consciences bound to an act of discrimination, and feel themselves obligated to resist all commands opposed to their private convictions of right. Both these classes of men take their stand upon the text, "it is better to obey God than the monarch," when their injunctions can be proved irreconcilable. But questions are continually arising between them in critical predicaments, whether the law of God and the monarch are reconcilable or not, and how far one involves and implies the other. In this dilemma, the divine or biblical theory comes to our aid, and shows us that the rights of conscience, in king and people, are reciprocally to be

LAUD,
Abp. Cant.

The parliament meets at Westminster, and, not giving satisfaction, is quickly dissolved.

A. D. 1640.

Upon the thirteenth of April the parliament met at Westminster. Soon after the opening of the session the king sent a message to the lower house, to put them in mind of supplies; reporting the intolerable usage he had received from the Scots; and declaring, that provided they granted him an aid suitable to the occasion, he would give up his claim of ship money, and satisfy all other reasonable demands: but the commons, as things were managed, were in no disposition for compliance; they insisted upon farther securities for property, for better settlement of religion, and for privilege of parliament. Now the question was, whether the king's message, or the commons' request, was first to be considered? After several conferences between the two houses, the lords voted a preference for the king's business, and the commons for that of the subject: but this dispute was quickly ended, no less unfortunately than it began: for secretary Vane being ordered to acquaint the commons in what proportion the king desired to be assisted,

respected; that both must be allowed to exert their proper influence in their respective spheres; and that neither can violate the other with impunity. The New Testament frequently enforces this sublime philosophy. It shows that there exists a universal intermembership in all social constitutions: that the head cannot say to the members, I have no need of you; nor the members to the head, We have no need of you. The application of this doctrine, in the form of a fable, once saved the Roman empire from ruin. But in the time of the Stuarts, the quiet voice of truth was drowned in the dissonance of polemics, and Britain fell a sacrifice to the madness of her sects and parties. The biblical system of mutual charity, mutual concession, and reciprocal toleration, was kept out of sight. The king on one side wished to be absolute, and the parliament on the other wished to be absolute. That holy and blessed syncretism, which endeavours to combine all that is truest and best in every sect and party, without indifferentism, and without confusion,—without partiality, and without hypocrisy, was trampled in the dust, by tyranny on one side and rebellion on the other. That admirable maxim, “Live and let live,” which might have proved the salvation of the nation, was obliterated from the memory of men by exacerbated bigotry and exclusiveness; and so universal conflict and revolution ensued. I am the more anxious to take the initiative, in restoring the divine theory of government, which reconciles the respective verities of Filmer and Locke; for the country is even now threatened with many of the calamities that obtained in the days of the Stuarts; and if our sects, parties, schisms, and factions, proceed in their virulent altercations, the integrity of the British empire will be once more demolished. In attempting to produce this reconciliation between Filmer and Locke,—both of them men of admirable worth and sagacity,—it will probably be found, that Filmer is far nearer to the truth of monarchical politics than his antagonist, though he exaggerates many arguments in the ex-parte spirit of an advocate. Locke's books on government, though invaluable as counter-pleas on the other side of the question, necessary to balance the reason of the student, and restore the equipoise of his judgment; yet taken by themselves apart, are fraught with sophistry and danger. Hence those men who swear by Locke as their sole authority, not only become party men, but party men peculiarly dangerous to a monarchical constitution, should they get the ascendancy. They are so because, taking only a one-sided view of the case, they sacrifice the royal prerogative without compunction; call that independence which is, in fact, rebellion; and hurry all the institutions of society into revolution and anarchy.

proposed twelve subsidies; whereas, it was said, he had expressed orders to mention no more than six: this being looked on as an excessive demand, shocked the commons, and threw them off their temper: and thus proceeding to some unacceptable debates, the king, despairing of any good issue, by the advice of his council, dissolved the parliament.

To give some account of the convocation: this provincial synod met April the 14th, at the chapter-house of St. Paul's. The sermon was preached by Dr. Turner, residentiary of that church. His text was Matt. xvi. 16, "Behold, I send you forth as sheep in the midst of wolves." In the close of the sermon, he took notice, that all the bishops did not hold the reins of discipline equally strait; that some of them were too remiss and indulging; that though, by this popular bias, they might gain the reputation of gentle governors, they disserved the rest of their order, and made them pass for men of rigour. He therefore exhorted them to act up to the rubric and canons, and insist upon a strict conformity. After sermon, Dr. Richard Stuart, clerk of the closet, and dean of Chichester, was presented prolocutor. When this matter was settled, and the customary ceremonies over, the archbishop produced a commission, under the broad seal, enabling the two houses to consult and agree upon the explanation or altering any canons then in force, or for the making such new ones as should be thought convenient for the government of the Church. The commission was to remain in force during the present session of parliament, and no longer. By a remarkable clause in this instrument, nothing could be done without the archbishop's being a party at the consultation.

The latitude of this commission was very acceptable to the majority; and, by way of acknowledgment for the trust his majesty had lodged with them, they granted him six subsidies, at the rate of four shillings in the pound, to be paid within six years. After this, the archbishop brought in a canon "for suppressing the farther growth of popery." This was put into the hands of the prolocutor, with directions that the lower house might enlarge and alter it as they thought proper. But afterwards, Laud, considering this canon proceeding wholly from himself might wipe off some aspersions and prove serviceable to his reputation, recalled the paper into his own hands, and, after a review, returned it to the lower house in

CHARLES

I.

792.

May 5,
A. D. 1640.*A convoca-**tion at St.**Paul's.*

Hamond.

L'Estrange,

Hist. of

K. Charles.

Lord Cla-

rendon's

Hist. of the

Rebellion,

&c.

Rushworth's

Hist. Coll.

part 2.

p. 1163.

Synodus

Anglicana,

Append.

*They receive**a commis-**sion under**the broad-**seal for**altering the**canons, or**making new**ones.*

Cyprian.

Anglic.

p. 423.

Synod.

Anglican.

*Laud on the latter**part p. 193.**Some new**ones made.*

LAUD,
Abp. Cant.

the same form it stands at present. While this matter was settling, a canon was drawn "for the better keeping the day of his majesty's inauguration." Another canon was levelled against the spreading the Socinian heresy. The next provision was a restraint of sectaries. By this canon it was decreed, that all those proceedings and penalties, mentioned in the canon against popish recusants, should, as far as they are applicable, stand in full force and vigour against all Anabaptists, Brownists, Separatists, Familists, or other sects whatsoever, who refuse repairing to their parish-churches for hearing divine service and receiving the holy communion.

Thus far the convocation had gone when the parliament was unfortunately dissolved; and possibly this ecclesiastical meeting had broken up the next day, according to customary practice, if one of the lower house had not acquainted the archbishop with a precedent of queen Elizabeth's time, to encourage them to continue their session. This precedent, entered upon the convocation-records, was an authority that the clergy might grant a subsidy, and levy it by the force of synodical acts, without a parliamentary confirmation. From this instance, the majority, inferring an independency of the convocation upon the parliament, adjourned themselves several times, with a design to enter upon business and enlarge the number of their canons. However, not a few of the members were surprised at this resolve, because their continuing the meeting was plainly crossing upon common usage; and, besides, the powers granted in the commission above-mentioned were to expire at the recess of the parliament. To remove these scruples, it was alleged, on the other side, that the writs for calling a parliament and convocation were couched in different forms, and no way depending upon each other; and—which reinforced the argument—the present convocation-writ, and the commission enabling them to make canons, were distinct instruments. From whence the inference is, that, though the commission determined with the dissolution of the parliament, yet, by virtue of the writ, they were to remain a convocation till dissolved by another writ. This reasoning had its effect upon several of the members. However, to give farther satisfaction, the king put the question to the most eminent lawyers then at court, who delivered their resolution in these words: "That the convocation, called by the king's writ, is to

Synod.
Anglican.
Append.
p. 33.

May 14.

continue till it be dissolved by the king's writ, notwithstanding the dissolution of the parliament." This opinion was signed by Finch, lord keeper ; Manchester, lord privy seal ; Littleton, chief justice of the Common Pleas ; Banks, attorney-general ; and Whitfield and Heath, two of his majesty's council, learned in the law. To fortify this resolution, a new commission was sent the two houses, to remain in force during the king's pleasure. Notwithstanding this encouragement, Dr. Brownrig, Dr. Hacket, Dr. Holdsworth, Mr. Warnistery, with others, to the number of thirty-six, protested against the continuance of the convocation. But, in regard the session was warranted by so many considerable persons of the long robe, these dissenting members neither withdrew from the house, nor entered their protest *in scriptis*, or form of law.

CHARLES I.

The lord-keeper, several of the judges, &c. declare the convocation may lawfully sit after the dissolution of the parliament.

Fuller's Ch. Hist. book 2. p. 163.

And now the convocation, somewhat reassured, went on with their business, though, it must be said, the prospect was dark, and the juncture very discouraging : for five hundred of the mob had lately made a midnight march to Lambeth, and attacked the archbishop's palace two hours ; but, being disappointed in their malice, and forced to retire, they resolved to assault the convocation. The king, being informed of the danger, ordered them a guard, consisting of some companies of the trained bands of Middlesex, commanded by Endymion Porter, groom of the bedchamber, a loyal and well-affected gentleman.

Archbishop Laud's Diary.

The canons passed in this convocation being in Sparrow's collection, and easily met with, I shall neither transcribe nor abstract them. It may be sufficient to add the titles of those already unmentioned. The second, third, fourth, and fifth have been already related. The first is entitled, " Concerning the Regal Power." This canon carries the regale to a remarkable height, and declares strongly for passive obedience. The title of the sixth stands thus : " An Oath enjoined for the Preventing of all Innovations in Doctrine and Government." And because this oath was so loudly declaimed against, and so much battered in the next parliament, I shall insert it at length. It stands thus :—

Rushworth's Hist. Coll. part. 2. p. 1337.

" I, A. B., do swear, that I do approve the doctrine and discipline, or government, established in the Church of England, as containing all things necessary to salvation : and that

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The oath so much excepted against.

LAUD,
Abp. Cant.

I will not endeavour by myself, or any other, directly or indirectly, to bring in any popish doctrine contrary to that which is so established : nor will I ever give my consent to alter the government of this Church, by archbishops, bishops, deans, and archdeacons, &c. as it stands now established, and as by right it ought to stand ; nor yet ever to subject it to the usurpations and superstitions of the see of Rome. And all these things I do plainly and sincerely acknowledge and swear, according to the plain and common sense and understanding of the same words, without any equivocation, or mental evasion, or secret reservation whatsoever. And this I do heartily, willingly, and truly, upon the faith of a Christian. So help me God in Jesus Christ."

To go on with the titles of the canons. The 7th is entitled, "A Declaration concerning some Rites and Ceremonies. 8. Of Preaching for Conformity. 9. One Book of Articles of Enquiry, to be used at all Parochial Visitations. 10. Concerning the Conversation of the Clergy. 11. Chancellors' Patents. 12. Chancellors alone not to Censure the Clergy in sundry Cases. 13. Excommunication and Absolution not to be pronounced but by a Priest. 14. Concerning Commutations, and the disposing of them. 15. Touching concurrent Jurisdiction. 16. Concerning Licenses to Marry. 17. Against vexatious Citations."

Besides these canons, which were all unanimously subscribed by the convocation (the bishop of Gloucester excepted), there were some other things proposed, which either fell in the debate, or miscarried by the distraction of the times. For instance, one Griffith, a member for one of the Welch dioceses, moved for a new edition of the Welch Church Bible : the Bible had been about sixty years since translated into that language by the assistance of bishop Morgan ; but this performance suffered considerably in the press. For instance, verse twenty-three, of the 12th of Exodus, where the angel is said to "pass over the door sprinkled with blood," is omitted, which maims the sense of the chapter. And in Habakkuk, the second and the fifth, the words "he is a proud man," are left out. Further, there was a design to draw an English pontifical, and get it passed by the convocation : this pontifical was to take in the form of king Charles's coronation, and serve as a prece-

dent for future solemnities of this kind. A form for consecrating churches, churchyards, and chapels, was likewise to be inserted: to these an office was to be added, for reconciling such as had either done open penance, or apostatized to Mahometanism. These three forms, together with the Office of Confirmation, and the Ordinal now in force, were to make the whole book; but the public discontents growing higher, it was thought advisable to postpone this matter till the times were better settled: many of the members excepted against tying up preachers to use the prayer before the sermon prescribed by the fifty-fifth canon. To relieve them under this grievance, as some counted it, a short prayer, comprehending the matter of the canon, was drawn up: this form, it was said, would have been well received by those who scrupled the direction of the canon. But the archbishop thought it better to keep close to the old rule, than run the risk of a new experiment: and thus the motion was dropped without going further.

Before the canons were offered to the houses for their subscription, they were read before the king and privy-council; the judges and other eminent persons of the long robe being present. And here they were approved by the whole audience, the king giving the archbishop thanks for bringing things to so good an issue. After this solemn approbation, they were subscribed in the upper house by the bishops and the rest of the clergy; none refusing to put their hand but the bishop of Gloucester. This prelate's firmness to the Reformation had been formerly questioned, which suspicion was increased by this refusal; for it was thought the strictness of the third canon, for suppressing the growth of popery, was the only reason which made him stand off. He was first argued with, and then required to acquiesce, by his metropolitan; and these methods proving ineffectual, he was suspended *ab officio et beneficio* by both houses. This sentence being put into form, signed by the archbishop, and publicly pronounced, the king ordered his commitment. But this durance was but short; ^{May 29.} ^{*The canons approved by the privy-council and judges.*} ^{24th p. 147.} for on the 10th of July he acknowledged his misbehaviour before the lords of the council, and took the oath enjoined by the sixth canon. Upon this compliance he recovered his liberty. But whether this submission was not made with some reserved latitude, is not altogether so clear; for in his last

LAUD,
Abp. Cant.

sickness he declared himself in the communion of the Church of Rome, and ordered his will to be drawn accordingly¹.

The canons of this convocation were transmitted to York, and signed unanimously by that synod, without debating upon matter or form. And after the national Church had thus given them their authority, they were confirmed by the king's letters-patent under the broad seal.

*Exceptions
against them
answered.*

But all this countenance and regular proceeding was not sufficient to screen them from censure. Some were displeased with the seventh canon, intituled, "A Declaration concerning some Rites and Ceremonies." This canon recommends bowing towards the communion-table, or altar. However, it is couched in very inoffensive terms, and lays no penalty upon the omission of this ceremony; and, which is more, all persons are desired to manage by the "rule of charity," and neither blame the practice or omission. However, notwithstanding the indifference the matter seemed to rest in, some thought those who forbore the ceremony would be looked on as short in their conformity, and stand with disadvantage in the opinion of the prelates.

But nothing occasioned more clamour than the oath enjoined by the sixth canon, which was pelted both from pulpit and press. The '&c.' in this engagement was reckoned a dark abbreviation, and that the meaning of it was not to be reached. But to this it was answered, that in the five preceding canons, made some time before, there was a particular recital of all the persons vested with ecclesiastical jurisdiction; that is to say, archbishops, bishops, deans, archdeacons, deans and chapters, and other persons having peculiar and exempt jurisdiction. All these distinctions, having been particularly set forth in the first five canons, were in the first draught of this oath cut off with this '&c.' to avoid repetition. However, it was intended to engross the canons in the whole length of the enumeration, and then the exceptionable '&c.' would have been thrown out, of course; but the king being tired with the charge of keeping a guard for the convocation, and the clamour occasioned by this extraordinary security, sent several messages to the clergy

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¹ This bishop of Gloucester was Godfrey Goodman, formerly dean of Rochester. He came into his bishopric in 1624, and died a Papalist in 1655; after which the see of Gloucester remained vacant five years.

to press them upon dispatch. The houses being thus some- CHARLES
 what hurried, sent the canons to the press, and forgot to ^{I.}
 expunge this ‘&c.’ It was answered,

Secondly. That the ‘&c.’ in the oath is so limited and explained by the following words, viz., “as it stands now established,” that there can be no reasonable fear of a dangerous meeting. It was farther objected, that the requiring an oath not to consent to the alteration of the present Church government, by archbishops, bishops, deans, archdeacons, deans and chapters, &c., was a confinement of the civil and ecclesiastical legislature; and tying the Church and State down to the decrees of a convocation. To be sworn out of liberty in this manner was reckoned the more unreasonable, because some of the orders specified in the oath, particularly deans and archdeacons, have no pretence to a divine right, and consequently cannot prescribe against alteration. To this it was replied, that the convocation never intended this oath for a restraint of their own authority, or to bar the clergy complying with such alterations, as might be afterwards lawfully made; therefore, these words, “I will never give my consent to alter the government of the Church,” &c., imply no more, than that the clergy bind themselves not to be in a practice against the present ecclesiastical establishment, nor attempt an alteration in the Church, without the consent of those who govern.

Lastly. It is objected, the person is to declare “he takes the oath willingly;” though, after all, there is no refusing it, without incurring the penalties of suspension and deprivation. But this pretended rigour is defended by a parallel instance in the oath of allegiance; for here the party is obliged to swear he makes this recognition “heartily, truly, and willingly.” And yet, notwithstanding the compass of this acknowledgement, the taking the oath is required under very severe forfeitures.

Thirdly. The canons were charged with “encroaching upon the property of the subject.” But this objection shall be postponed to the next parliament.

But after all it was thought the main exception against the convocation was their drawing the first canon so much to the service of the crown, and flatly condemning resistance of the government upon any pretence whatsoever. It is true in this they advanced no other doctrine but what was warranted by the laws, and asserted at length in the Homilies. But notwithstanding they went plainly upon the authority of Church

LAUD,
Ap. Cant.

and State, some people were much displeased to have their memory refreshed with this doctrine. This resentment, though smothered at first by the English malcontents, was spoken out by the Scotch commissioners. These Covenanters, amongst the rest of their articles of impeachment, "charged the archbishop with making canons against their just and necessary defence; and that he had obliged the clergy to preach such doctrine four times a year as was not only contrary to their proceedings, but to the doctrine and proceedings of other reformed Kirks, to the judgment of all sound divines and lawyers, as tending to the utter ruin and enslaving of all estates and kingdoms." From hence it appears that the guarding the government, the pinning the subjects so close to their duty, and declaring so strongly against rebellion, was the great grievance in these canons. To go back a little and touch upon the affairs in Ireland: in this kingdom a parliament met on the 20th of March, and sat till the 17th of June. At this session two acts passed for the benefit of the clergy. The first statute, entitled "An Act for Endowing Churches with Glebe Lands," is as follows:—

"Whereas all beneficiaries with cure, especially vicars, are bound to perpetual residence; and yet, through the war and confusion of former times in this kingdom, the ancient glebes in many places are so obscured that they cannot be found out, by which means the incumbents are necessitated to perpetual non-residence; be it therefore enacted by the king's most excellent majesty, the lords spiritual and temporal, and commons in this parliament assembled, and by the authority of the same, that it shall be lawful for any devout person, without licence of mortmain, to endow churches having no glebes, or not above ten acres of glebe, with new glebe, provided the glebe of any one church so endowed do not exceed forty acres at the most, and that the said lands be not holden *in capite*, or by knight's service."

By the next statute, the penalty of deprivation incurred by the incumbent, for not paying the twentieth part of his living to the crown, is lessened to a forfeiture of only the treble value of the said twentieth part: this was the last parliament of that kingdom during the earl of Strafford's lieutenancy.

This summer the Covenanting Scots levied another army

History of
the Trou-
bles, &c. of
Archbishop
Laud.
Cant's
Doom.
A.D. 1640.

*Irish acts in
favour of the
Church.*

Irish Acts.
15 Charles I.
cap. 11.

Id.
15 Charles I.
cap. 12.

against the king, invaded England, overran the country to the Tyne, forced the lord Conway to retreat, and seized Durham and Newcastle. The king marched against them as far as York, and was not unprovided to give them battle: but having reason to suspect some of the officers and centinels were tainted in their loyalty, and disinclined to fight the Scots, he consented to a treaty at Rippon: where, after some debate, the English and Scotch commissioners agreed to a cessation of arms. Secondly, that the Scotch army should be allowed eight hundred and fifty pounds a day during their quartering in England: which contribution was to be raised in the counties of Northumberland, Westmorland, Durham, and the town of Newcastle. Thirdly, the river Tees was to be the barrier to both armies: and as to the main articles, they were to be referred to a farther treaty at London.

CHARLES I.
The Scots invade England.

The treaty at Rippon.

Sept. 19th.
Whitlock's Memoirs.

When the king was upon his expedition against the Scots, archbishop Laud received information out of Holland of a plot against his majesty: that this treason was carried on in England by Signior Con and his confidants: that these conspirators finding the archbishop resty as to any alterations in religion, resolved to dispatch him first: and that when this obstacle was removed, they did not despair of working the king's humour. The first discoverer of this plot was one Andreas Ab-Habernsfeild, a Bohemian gentleman, physician to the lady Elizabeth, who married the Paltzgrave; this gentleman sent a friend of his with a narrative to sir William Boswell, his majesty's agent in Holland: Habernsfeild's friend having sworn sir William to secrecy, it was agreed between them, that the papers should be sealed, and sent by an express to the archbishop of Canterbury; Laud took care to have them put in the king's hands. His majesty at the beginning of the next parliament, nominated a committee of lords to examine this matter. In short, all the papers were read before

Hist. of the Troubles of Archbishop Laud.

Hammond, L'Estrange, Hist. of King Charles I. Habernsfeild's supposed plot. 795.

the king and the committee. But it seems the narrative was somewhat perplexed, and the proofs defective. That Laud did not give much credit to this relation, appears by the manner of his reporting this plot at his trial, and by his omitting the mention of it in his diary; in which, things of much less importance are taken notice of. The learned Wharton likewise questions the matter of fact in his preface to the "History of the Archbishop's Troubles," &c. And since there

"The pope's agents (as it is said) plot my death," &c.

Hist. of the Troubles, &c. of Archbishop Laud, p. 163. Cyprian. Anglie. p. 452.

LAUD,
Abp. Cant.

was no prosecution upon the narrative, and the marks of truth were not sufficiently legible, I shall enter no farther into the story.

August 22.

To proceed: the king having lately marched against the Scots, a paper was dropped in Covent Garden, to encourage the apprentices and soldiers to attack the archbishop; but one of the mob having been executed for a late attempt at Lambeth, they had not courage enough to renew the enterprise. But, not long after, when the High Commission sat at St. Paul's, about two thousand Brownists insulted the court, pulled down all the benches in the consistory, and cried out they would have no bishops nor High Commission. Thus the king, by this tumult, was put to the expense of ordering a guard for St. Paul's, as he had done before at Westminster, for the protection of the convocation.

October 21.

On the 3rd of November, the long parliament, which proved so fatal to the king, met at Westminster. At the opening this session, the commons made speeches against the crown and the Church, in a very remarkable manner, and gave early indications of what followed. What they delivered against the bishops discovers a great deal of heat and disaffection, gives a strong countenance to schism, and charges popery at random. In short, there is much more satire and declamation than solid proof in these remonstrances. These gentlemen, that harangued with so much vigour, seemed to be angry with the bishops for their revenues and authority, and grudged them the benefit of the constitution. I shall pass over the exceptions some of the members made against insisting upon conformity, against the High Commission, against a power in the bishops to license books, and the clergy being put into posts of civil jurisdiction. I shall waive the recital, I say, of what was delivered upon these heads, because they are mostly made up of invective without argument. But from Bagshaw, one of the long robe, something more of law and logic might have been expected.

The long
parliament
meets.

Some of the
members
declaim
against the
hierarchy.

Rushworth's
Hist. Coll.
part 2.
p. 1342.
et deinceps.

To give the reader the substance of this learned member's speech upon episcopacy. In the beginning of his discourse, he supposes an episcopacy of two sorts: the first, *in statu puro*, as it stood in the primitive times; the second, *in statu corrupto*, or in its modern declension. This latter condition he applies to the English hierarchy, and endeavours to prove that epis-

copacy, in this state of degeneracy, encroaches upon the crown CHARLES
in the four following particulars. I.

His first instance is in bishop Hall's late book, wherein it is asserted, that episcopacy, both in the office and jurisdiction, is *jure divino*; and that, in matters purely spiritual, this is no more than truth, I have fully proved in the first volume of this work. But to go on with Mr. Bagshaw, who pretends this assertion is directly contrary to the laws of England. His first proof is brought from the statute of Carlisle, 35 Ed.

Bagshaw's
speech ex-
amined.

I., where it is said, as sir Edward Coke reports, that the Church of England is founded in the state of prelacy, by the king of England and his progenitors. But that these

Coke's
Reports,
part 5. Cant-
dry's case.

words relate to revenues and endowment, may partly be collected from what follows, where it is said the design of this foundation was to enable the bishops to keep hospitable houses, and relieve the poor. Further: that the first Saxon kings—to mention no other—did not pretend to convey the powers in the episcopal character, nor so much as to fill the vacant sees, is sufficiently shown in the first part of this history. His next proof is taken from Magna Charta, cap. 1, where the king declares, “Concessimus Deo et Ecclesiæ Anglicanæ omnes libertates,” &c. To this it may be answered, in the first place, that Magna Charta was commonly supposed to be nothing more than a confirmation of the subjects' right. Secondly, it is said, “Concessimus Deo,”—we have granted to God. Now, could Bagshaw suppose the king would pretend to grant God any new power or jurisdiction? It is plain, therefore, the charter must be understood of secular privilege and jurisdiction. And, when these things are settled upon the Church, they are said to be given to God, because they are designed for the support of his worship, and the encouragement of those who represent him. His third argument, from 37 Hen. VIII. cap. 17, has been considered already in the reign of that prince, and thither I refer the reader.

For his second encroachment of the hierarchy upon the crown, he only produces a common saying,—“No bishop, no king; no mitre, no sceptre.” But this is only fighting a phantom and pursuing his own shadow, and requires no further consideration.

His third instance of the hierarchy “trenching upon the crown,” as he calls it, was the maintaining the bishops a

LAUD,
Abp. Cant.

third estate in parliament; "and, therefore, the king and parliament could not be without them." This he utterly denies, and makes the king one of three estates. But, notwithstanding this categorical language, the archbishops, bishops, and clergy, are expressly declared to be one of the "greatest states of this realm." And that the bishops are essential to the legislature no less than the temporal lords and commons, is granted by sir Edward Coke.

8 Eliz.
cap. 1.

Coke's
Inst. part 4.
fol. 1.

The fourth pretended encroachment is the bishops holding ecclesiastical courts in their own names, and not in the name of the king, nor by commission from him, contrary to the statute 1 Edw. VI. cap. 2. But this objection, having been already answered, shall be passed over. Bagshaw, in the conclusion of his speech, makes a further discovery of his disaffection to episcopacy, and declares, that, had he lived in Scotland, France, Geneva, or the Low Countries, he should have been for Presbyterian Church government.

Rushworth's
Hist. Coll.
part. 2.
p. 1343.

Lord Dig-
by's speech.

The lord Digby thought the late convocation misbehaved themselves, and harangued strongly against their proceedings. He conceives their taxing the clergy an invasion of the subjects' right, and calls their benevolence a malevolence; and the levying this benevolence by synodical acts, and under the penalties of excommunication and deprivation, is complained of as intolerable oppression, and an encroachment upon the civil legislature. But, notwithstanding these tragical expressions, the clergy had always the privilege of taxing their own body. Neither from Magna Charta until the thirty-seventh of Henry VIII. is there any parliamentary confirmation of subsidies given by the clergy. For what reason this custom was afterwards altered is not easy to account for. It is possible it might be for the benefit of the crown, and for the better securing the payment of the money granted; for, since the Reformation, the jurisdiction of the Church was much sunk, and her censures less regarded. Now the convocation could proceed no further than spiritual penalties. They had no authority over the secular magistrate, neither could they command the justices of peace to levy their subsidies by distress; and therefore, that the crown might not be disappointed of the money granted by the convocation, their subsidies from the thirty-seventh of Henry VIII. downwards, were generally confirmed by act of parliament. But that the clergy's granting

Statute-
book.

796.

the king a benevolence without such confirmation, exceeded CHARLES
1.
 their power, is more than is proved. Had the convocation pretended to tax the laity, the objection had been good. But to contest their authority for raising money upon their own body, is to cross upon custom and known privilege: neither could the clergy without doors reckon this a grievance, for they had already given their consent for this purpose in their procuratorial letters; for in this instrument, signed and sealed by the electors for convocation, they engage themselves to allow and abide by the proceedings of their clerks and procurators. Besides, there was a precedent in queen Elizabeth's reign in defence of this practice. For in the year 1585, the convocation granted a subsidy or benevolence, and levied the money by synodical authority, without any confirmation from the parliament; neither was this at all complained of. This instance was suggested to the archbishop of Canterbury in May last, and the convocation record appealed to for the truth of the fact.

On the 4th of November the convocation met at St. Paul's; the sermon was preached by Bargrave, dean of Canterbury. The lower house chose their old prolocutor, and adjourning to king Henry VII.'s chapel, the archbishop made a speech: he lamented the unhappiness of the times; put them in mind of the storm rising upon the Church; exhorted them to perform the duty of their respective places, and stand their ground with resolution. There was nothing of moment transacted in this convocation. But Warmister, one of the clerks for the diocese of Worcester, made a motion which must not be forgotten; it was, that according to the direction of the Levitical law, they should endeavour to cover the pit which they had opened: that is, they should prevent their enemies, and null the offensive canons which had passed in the last convocation. But the house seemed to have a better opinion of the canons, and rejected the motion. However, Warmister being disappointed, published a long speech upon this subject, and ran a satire upon some of the canons. But all this remonstrance was not reckoned merit enough to protect him afterwards from sequestration.

About a week forward, Williams, lord bishop of Lincoln, was discharged from his imprisonment in the Tower; the house of Lords having applied to the king for this purpose. *Bishop Williams enlarged. See p. 194.*

LAUD,
Abp. Cant.

The next day being a public fast, this prelate was brought into the Abbey-church at Westminster by six bishops, and officiated as dean there. The commons, according to custom, went to St. Margaret's church; and here, while the second service was reading at the communion-table, the audience began to sing some of Hopkins' metre, and disturbed the office. This breaking in upon the prayers was somewhat surprising; but the commons, it seems, had a mind to acquaint the people with part of their design.

*The service
disturbed at
St. Margarets.*

L'Estrange's
Hist. of K.
Charles I.
p. 206.
*The earl of
Strafford
impeached.*

Whitlock's
Memoirs.

The earl of Strafford, who commanded the English army, came up to London at the king's instance, and ventured himself with the parliament. This, both by himself and his friends, was thought a step somewhat too hardy. But the caution was overruled by his majesty, who promised his protection, and refused to dispense with his absence at the council-board. However, this nobleman's apprehensions of danger were too well founded; for upon his appearing in the house he was impeached for high treason by the commons, committed to the black rod, and sent to the Tower soon after.

The government being now in a visible declension, Burton and Pryn got loose from their confinement, and made a pompous entry into London, being attended from Brentford by several thousands of horse and foot, with rosemary in their hats. Thus the king's courts of justice, which had censured these men, were openly insulted; and the criminals were admitted to the house of commons to prefer petitions against the prosecutors.

L'Estrange,
Hist. of K.
Charles I.
Dec. 11.

By this countenance the Puritan faction was further animated to attack the Church. And alderman Pennington, with a retinue of some hundreds, came to the house of commons and presented a petition, subscribed by fifteen thousand Londoners, though not in the name of the corporation. This paper exhibited a strong complaint against the ceremonies and discipline of the Church of England; but containing too much matter for sudden despatch, it was postponed to a time of more leisure.

Upon the 15th of December the commons attacked the late convocation in form; and resolved, *nullo contradicente*—

*The resolves
of the Commons
against
the canons.*

“1. That the clergy of England, convened in any convocation or synod, or otherwise, have no power to make any con-

stitutions, canons, or acts whatsoever in matter of doctrine, discipline, or otherwise, to bind the clergy or laity of the land, without common consent of parliament. CHARLES I.

“2. That the several constitutions and canons ecclesiastical, treated upon by the archbishops of Canterbury and York, presidents of the convocation for the respective provinces of Canterbury and York, and the rest of the bishops and clergy of those provinces, and agreed upon with the king’s majesty’s licence in their several synods, begun at London and York, 1640, do not bind the clergy or laity of this land, or either of them.”

The next day the same subject being resumed, it was resolved, *nullo contradicente*—

“1. That these canons and constitutions ecclesiastical, treated upon by the archbishops of Canterbury and York, presidents of the convocations for the respective provinces of Canterbury and York, and by the rest of the bishops and clergy of those provinces, and agreed upon with the king’s majesty’s licence in their several synods begun at London and York, in the year 1640, do contain in them many matters contrary to the king’s prerogative, to the fundamental laws and statutes of this realm, to the rights of parliament, to the property and liberty of the subject, and matters tending to sedition, and of dangerous consequence.

“2. That the several grants of the benevolences or contributions granted to his most excellent majesty by the clergy of the provinces of Canterbury and York, in the several convocations or synods holden at Canterbury and York, A.D. 1640, are contrary to the laws, and ought not to bind the clergy.” 797.

Rushworth,
part 2.
p. 1365.

The making these canons was afterwards urged against the archbishop at his trial, with all the aggravations already mentioned. But I find no proof produced to support the charge.

The next day, Mr. Denzil Hollis was sent up from the lower house to the lords, with an impeachment of high treason against archbishop Laud. And to give a stronger colour upon the prosecution, the Scotch joined him in the charge with the earl of Strafford, as a public incendiary. Upon this impeachment he

Hist. of the
Troubles,
&c. of
Archbishop
Laud,
p. 154. 263.
*The arch-
bishop of
Canterbury
and the earl
of Strafford
impeached.*

LAUD, was committed to the black rod, and continued under that restraint till the first of March, when he was sent to the Tower. And now the discipline of the Church sinking with the archbishop, about fourscore Anabaptists meeting at a house in St. Saviour's, Southwark, preached that the 35th of Eliz. enjoining the use of the Common Prayer, was no legal statute, because the bishops concurred to the making it. From hence they advanced upon the crown, asserting that the king cannot make a good law, because not "perfectly regenerate:" and that he is only to be obeyed in matters relating to the state. Upon their being brought before the lords, they confessed the articles, but were dismissed without punishment.

Fuller's
Ch. Hist.
Cyprian.
Anglic.

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The speeches of several members in the house of commons against the bishops, were followed with petitions from several counties; one of which was signed by seven hundred presbyters. This remonstrance against the hierarchy being well entertained by the parliament, the king made a speech to both houses to this effect:—

*The king's
speech in
defence of the
bishops.*

The speeches of several members in the house of commons against the bishops, were followed with petitions from several counties; one of which was signed by seven hundred presbyters. This remonstrance against the hierarchy being well entertained by the parliament, the king made a speech to both houses to this effect:—

Pushworth's
Hist. Coll.
part 3.

He told them "he could not but take notice of some very surprising petitions, sent up in the name of several counties, against the present establishment of the Church: that the bishops were menaced with being reduced to an utter insignificance, if not wholly set aside. Now (continued the king) I must acquaint you, I make a difference between reformation and alteration of government: and though I am for the first, I cannot give way to the latter. I will not say but that the bishops may have over-strained their authority, and encroached upon the temporal jurisdiction. If you are disposed to check such irregular motions, and reform the abuse, I am ready to concur with you. Nay further, if you can demonstrate the bishops have an over-weight of temporal authority; if you can show me that they have some branches of jurisdiction inconvenient to the state, and not necessary for the support of their order, I shall not be unwilling to persuade them to resign. But by this concession you must not understand, I can consent to the taking away their votes in parliament. Of this privilege they have been possessed under many of my ancestors, before the Conquest to the present time: and a right they have enjoyed, without interruption, for so many hundred years, I conceive myself bound to maintain, and look

upon it as fundamental to the constitution." The rest of his majesty's speech being foreign to the Church, shall be omitted.

CHARLES I.
L'Estrange's
Hist. p. 210.

And now the commons sent a message to the lords by Glyn, to desire they would join with them in an address, to be informed who solicited the king to reprieve Goodman, a semi-Sax. p. 185.
nary priest, in the face of the parliament. The king sent them word by the lord privy-seal, that Goodman being found guilty of no crime, but his character, the reprieving him was no more favour than had formerly been shown to Roman Catholic priests by his father and queen Elizabeth. The commons, not being satisfied with this answer, had another conference with the lords: and here they agreed upon the following remonstrance:

"That considering the present juncture, they conceived the strict execution of the laws against recusancy more necessary than formerly.

The Commons' remonstrance.
Jan. 27.

"1. Because by divers petitions from several parts of the kingdom, complaints are made of the great increase of popery and superstition.

"2. They complain of the great number of priests and Jesuits; and that they appear publicly with such assurance, as if there were no laws enacted against them.

"3. It appears to the house that of late years, about the city of London, priests and Jesuits have been discharged out of prison, many of them being condemned for high treason.

"4. The parliament is credibly informed, that at this present the pope has a nuncio, or agent, resident in the city, and they have good reason to believe the information.

"5. The Papists go as publicly to mass at Denmark-house, at St. James's, and the ambassadors' chapels, as other people go to their parish churches.

"6. It is found this Goodman had been twice before committed and discharged, and was formerly a minister of the Church of England: therefore they humbly desire the said John Goodman may be left to the justice of the law."

Idem.

To this remonstrance the king replied:

"That the increase of popery and superstition (if any such thing had happened) was contrary to his inclination. And that

The king's answer.

LAUD,
Abp. Cant.

to take off all occasion of complaint, he shall order the laws may be put in execution.

“That he is resolved to set forth a proclamation, to command Jesuits and priests to depart the kingdom within a month: and, in case they either fail, or return, they shall be proceeded against according to law.

“As touching the pope’s nuncio (Rosetti) his commission reaches only to keep up a correspondence between the queen and the pope, in things relating to the exercise of religion: that this correspondence comes within the compass of full liberty of conscience, secured her by the articles of marriage. However, since Rosetti’s character happens to be misunderstood, and gives offence, he has persuaded the queen to consent to his being recalled.

“Further, his majesty will take special care to restrain his subjects from going to mass at Denmark-house, St. James’s, and the chapels of the ambassadors.

“Lastly, touching Goodman, he is contented to remit him to the pleasure of both houses, but then, in case they resolve to press the law close upon this priest, he desires they would consider the inconveniences which may be drawn upon his subjects, and other Protestants in foreign countries: for that which looks like necessary justice at home, may probably be interpreted as severity abroad.”

Idem.

Rushworth,
part. 3.

This Goodman was said to have been so generous and resigned, that he petitioned the king he might be treated like Jonah the prophet, thrown overboard to lay the tempest, and sacrificed to the public repose.

Fuller’s
Ch. Hist.
book 11.
p. 174.
See p. 189.

I have already mentioned the treaty at Ripon was to be drawn out to further articles, and perfected at London. For this purpose the king issued a commission to the sixteen lords, formerly employed in this affair, or any ten of them, to treat with the Scotch commissioners, to receive their demands, and settle the differences on foot.

798.

Amongst the articles granted, I shall mention only some few relating to the Church.

Articles
granted to
the Scots.

To begin, therefore, with the third demand of the Scots, which was, “That Scotchmen, within his majesty’s dominions of England and Ireland, may be free from censurè for subscribing the covenant, and no more pressed with oaths and

subscriptions, unwarranted by their laws, and contrary to their national oath and covenant, approved by his majesty." ^{CHARLES I.} The substance of this demand was granted them.

In their sixth demand, "they desire reparation for the losses which the kingdom of Scotland hath sustained, and the vast charges they have been put to, by occasion of the late troubles."—That is, they desired to be well paid for their rebellion. And so they were: for the houses granted them 300,000*l.* for their "brotherly assistance," besides the 850*l.* a-day which they had been allowed for subsisting their troops.

Their seventh article was, "that all proclamations and books, which censured their invasion and called them rebels, might be revoked and suppressed." This demand was likewise granted. And thus they were not only pardoned for insulting the government and drawing the king's sword against him, but applauded and caressed: for part of this article was, that the "loyalty, integrity, and faithfulness of his majesty's subjects of Scotland, towards his majesty's royal person and government, was to be published in all parish-churches through his majesty's dominions¹."

About this time, Poocklington and Bray, doctors in divinity, were brought under censure by the parliament; the first was chaplain in ordinary to the king, the other to the archbishop of Canterbury. Poocklington's crime was preaching a visitation sermon before the bishop of Lincoln, and publishing it under the title of "Sunday no Sabbath." His other obnoxious book was called "The Christian Altar," in which he had maintained several things contrary to his diocesan's opinion upon that subject. These books were both licensed by Bray. Williams, upon the death of Neile, was made archbishop of York, and, standing fair with the parliament, moved that these two divines might be brought to a recantation. The house of lords, believing the bishop a proper judge in the controversy,—though, by the way, he had been a party,—remitted the collecting the exceptionable propositions to him. This prelate, having examined the tracts, moved that Bray might recant seven erroneous propositions in the first, and twenty-four in the second. As for Poocklington, a recantation would not serve his turn: he was to be deprived of his preferments.

L'Estrange's
Hist. p. 209.
Poocklington
and *Bray*
censured by
the house of
Lords.

¹ This passage affords an illustration of Collier's wit; which Dr. Johnson calls "in the highest degree keen and sarcastic."

LAUD,
Abp. Cant.
Fuller's
Ch. Hist.
book 2.
p. 172.

Fuller will have it that both these doctors died soon after the execution of the sentence; and that either shame for being mistaken in print, or want of fortitude to maintain their opinion, proved mortal to them. But Heylin reports, from his own knowledge, that Pocklington lived more than two, and Bray above four, years after this censure; and that the misfortune had not the least visible effect upon their health or temper.

Examen
Histor.
p. 243.
*Smart's
complaint
against
Dr. Cosins.*

Soon after, one Smart, a prebendary of Durham, complained to the parliament against Dr. Cosins, prebendary of the same church, and dean of Peterborough. Cosins was charged with superstition, and illegal proceedings against the complainant. The articles of superstition suggested that Cosins set up a marble altar, with cherubims, in the cathedral of Durham; that this, with the appurtenances, cost two thousand pounds; that this ornamental furniture, which he calls appurtenances, was a cope, the representation of the Trinity, and God the Father in the figure of an old man. There was likewise said to be a crucifix, with a red beard and blue cap. The dean was further accused for lighting two hundred wax candles about the altar on Candlemas-day; for forbidding the singing any psalms before or after sermons; for making an anthem to be sung of the "Three Kings of Cologne, Gaspar, Balthazar, and Melchior;" and for procuring a consecrated knife only to cut the bread at the communion; that Smart above-mentioned declaimed with some vehemence in the pulpit against these innovations,—his text was, "I hate all those that hold of superstitious vanities, but thy law do I love;" that, for this freedom, he was imprisoned by the High Commission at York, and kept under durance four months before any articles were exhibited against him; that from hence he was removed to the High Commission at Lambeth; and that, after having been harassed a long time, he was remanded to York, fined five hundred pounds, committed, and ordered to recant; and that, refusing to make this submission, he was further fined, excommunicated, degraded, and deprived. This complaint, formed into a bill, was laid before the house of commons, and afterwards carried up to the house of lords; that Smart was called the "proto-martyr of England in these later days of persecution," by Rouse, who carried up the bill to the lords; and that a large reparation was made to the complainant. Thus far Fuller. But that this historian was misinformed,

Ch. Hist.
book 11.
p. 173.

appears by his own letter to Dr. Cosins, in which he owns his mistake, and promised to make the dean satisfaction in his next print. CHARLES I.

I shall give the reader matter of fact from Dr. Cosins's letter upon this subject. To be brief. When Smart's bill of complaint was carried up by Rouse, a member of the house of commons, to the house of lords, Cosins put in a full answer upon oath; that his answer was entered upon the rolls of parliament, made good before the lords both by himself and by the very witness that Smart and his son-in-law produced against him; that, upon this, Glover, Smart's lawyer, told him, at the bar of the house of lords, he was ashamed of his complaint, and could in conscience plead no longer for him; that, after this, the cause came on no more; that many of the lords declared publicly that Smart had abused the house of commons with a groundless complaint against Cosins; and that, by an order from the lords, delivered to him by the earl of Warwick, he had the liberty to go where he pleased, and never heard any more of them. The answer Cosins gave in upon oath, and made good before the lords, was to this effect:—

A vindication of Cosins from Fuller's misrepresentation.
Paris, April 6, 1653.
Examen Histor. p. 284. et deinceps.

1. That the communion-table in the church of Durham, which the bill of complaint calls the marble altar with cherubims, was not set up by Cosins, but by the dean and chapter, many years before he was prebendary of that church; and that Smart was then one of that chapter.

2. That, by the public accounts standing upon the register, the charge did not amount to above the tenth part of what was pretended.

3. That the copes used in that church were furnished long before Cosins's time; and that Smart, the complainant, was prebendary when they were bought, and allowed his share of the charge.

4. That Cosins never approved the picture of the Trinity, or the image of God the Father, in any figure; and that, to his knowledge, there was no such representation in the church of Durham.

5. That the crucifix, with a blue cap and a golden beard, mentioned in the bill of complaint, was nothing but the top of bishop Hatfield's tomb, which had stood in the church above

LAUD,
Abp. Cant.

two hundred and fifty years; and that there was no such figure upon any of the copes as is reported in Fuller's history.

6. That, by the statutes of that church, to which Smart was sworn no less than Cosins,—by these local statutes, the treasurer was to provide a sufficient number of wax-lights for the service of the choir during the winter season; that there was never above two fair candles set upon the communion-table; that there were no more candles used upon a Candlemas-night than in the Christmas-holidays; and that the number of them was lessened or increased in proportion to the congregation.

7. That Cosins never forbade singing the metre Psalms in the church, but used to sing them himself with the people at morning prayer.

8. That he was so far from directing the singing an anthem to the three kings of Cologne, that, at his first coming to Durham cathedral, he ordered this superstitious hymn to be cut out of the old song-books belonging to the choristers' school: that no such anthem had been sung in the choir during his being there, nor—as far as his inquiry could reach—for three-score years before, and upwards.

9. That the knife used for cutting the bread at the communion was never consecrated.

10. That, in Smart's sermon, there were several propositions not to be reconciled either to the laws of God or his Church, or the statutes of the realm; that Cosins reported some of these passages, and appealed to the lords for the justice of the censure passed upon him.

11. And, lastly, that the complainant had swelled the account of what he suffered; that he never paid his fine; that the value of his Church preferments, lost by his obstinacy, was over and above made good to him by the contributions he received upon the score of his lying under censure; but that the parliament gave him no damages, nor ordered Cosins or any other person Smart complained of to pay him a farthing by way of reparation.

*A bill passed
in the house
of Commons
for taking
away the
bishops' votes
in parliament, &c.*

On the 10th of March a bill was brought into the house of commons, and passed, "That no bishop should have any vote in parliament, any judicial power in the Star-chamber, or any authority in temporal affairs; and that no clergyman should be in commission of the peace." This bill had many abettors in

the house of lords, where it was afterwards thrown out. The ^{CHARLES}
 earl of Essex and other malcontents observed, that they seldom ^{I.}
 could carry any thing which crossed directly upon the king's
 interest, by reason of the overbalance of the bishops, who
 generally voted unanimously for the crown. Notwithstanding
 the bringing in of this bill, the bishops were not without friends
 in the lower house. To take off these, the other party sug-
 gested the impossibility of supporting the hierarchy in its pre-
 sent condition ; that there was a great combination throughout
 the kingdom against the government of the Church ; that the
 Scotch were in a concert with the English for this purpose ;
 that they publicly declared a firm peace between the two
 nations was impracticable, unless the bishops were taken away.
 That, notwithstanding these menaces of the Scots, if this bill
 were once passed, the majority of both houses would be so well
 satisfied, that the violent party would never be able to carry
 their point. These reasons, it seems, made an impression
 upon a great many members well affected to the Church, and
 brought their vote for the bill. But of this more afterwards.

Lord Cla-
 rendon's
 History of
 the Re-
 bellion.
*A committee
 for religion.*

Five days forward, a committee for religion was settled in
 the upper house ; it was formed of ten earls, ten bishops, and
 ten barons. And thus, as archbishop Laud remarks in his
 diary, the lay votes shall be double to the clergy. "This com-
 mittee," continues the archbishop, "will meddle with doctrine
 as well as ceremonies, and call some divines to them to consi-
 der and countenance the business." That this was their inten-
 tion, might be collected from a letter sent by the bishop of
 Lincoln to some clergymen to attend this service. Upon the
 whole, the archbishop was of opinion this committee would put
 on a more solemn face, and pass for a national synod, to the
 great dishonour of the Church.

Hist. of the
 Troubles,
 &c. of
 Archbishop
 Laud, p. 61.

At the same time the lords appointed a sub-committee to
 prepare matters. They had likewise an authority to call
 several bishops and divines to their assistance to consult upon
 a reformation of what was amiss, and bring things to a better
 settlement. Williams, bishop of Lincoln, was chairman in
 both these committees. Those who assisted were, Usher,
 bishop of Armagh, Morton, bishop of Durham, Hall, bishop of
 Exeter, Dr. Samuel Ward, Dr. John Prideaux, Dr. William
 Twisle, Dr. Robert Sanderson, Dr. Daniel Featlye, Dr. Ralph
 Brownrig, Dr. Richard Holdisworth, Dr. John Hacket, Dr.

LAUD,
Abp. Cant.

Cornelius Burges, John White, Stephen Marshal, Edmund Calamy, and Thomas Hill. These prelates and divines met in the Jerusalem-chamber at the dean of Westminster's, and spent six days in debate. The greatest part of the company being Calvinists, either in doctrine or discipline, it is no wonder to find them remonstrate against the management of Church matters.

Fuller's
Ch. Hist.
book 2.

Some complained that all the tenets of the council of Trent had been preached and printed, excepting some points of state-popery, where the king's supremacy was touched, and the statutes made the doctrine treason. Amongst these pretended heterodoxies (for certainly all of them were not so) they instanced the affirming "the significancy of good works towards justification; private confession, by a particular recital of the penitent's sins;" and that this was a necessary condition; "that the oblation of the consecrated elements is a true sacrifice; that prayers for the dead and monastic vows are defensible;" and, to swell the charge, they added the holding the Five Points the Arminian way, with some advances towards Socinianism.

Secondly. They inquired into some excesses, as they call them, and innovations in discipline. Amongst these grievances they reckoned setting candlesticks in parish churches upon the altar in the day-time; making canopies over the communion-tables, with traverses of curtains before it. This some of these scrupulous divines blamed, as an imitation of the veil of the temple. They likewise objected against the credenda, or side-board, where the bread was placed before it was brought for consecration to the communion-table. The enjoining the canonical prayer was another exception; to which they added the carrying newly-baptized children to the altar, and presenting them there to God Almighty.

800.

Thirdly. They consulted about reforming the Common Prayer-book. And here the debate was, whether some legendary and some questionable saints, with some superstitious remains, were not to be thrown out of the calendar? Whether it was not proper the lessons should all be taken from canonical Scripture? Whether the Epistles, Gospels, Psalms, and Hymns, were not to be read in the new translation? Whether times prohibited for marriage were to be continued? Whether it was not advisable to make an order, that none for the future

should have a licence, or their banns published, unless they brought a certificate from the minister that they understood their catechism? And whether the rubric was not to be altered and explained in several particulars? And, lastly, they began to enter upon a regulation of ecclesiastical government. But this was dropped, because the bishop of Lincoln had made some progress upon this head, and promised to bring in a scheme when more at leisure. This consultation held on to the middle of May, when the bill against deans and chapters occasioned a misunderstanding amongst the divines, and broke the meeting.

The earl of Strafford's trial is the next remarkable occurrence. And notwithstanding the main of this narrative may be the business of a state historian; yet some part of it concerns the Church, and therefore must not be unmentioned. An impeachment of high treason, branched into twenty-eight articles, was drawn up by the house of commons, and carried by Pym to the upper house. To go on with the charge more effectually, it was voted by the temporal lords that no bishops should be of the committee for inspecting materials, taking depositions, and forming the preparation for the trial. This being a cause of blood, it was suggested the bishops were barred by the canons from having any share in it.

That the bishops' peerage is entire no less than that of the temporal nobility, I have already proved in my former volume, from the history of Becket, Stratford, and Arundel, archbishops of Canterbury. And in Arundel's case the bishops were allowed their lay proxy to sit with the temporal lords, and give sentence upon the archbishop. There are several other instances of this kind upon the parliament rolls, in the reigns of Edward III., Henry V., Henry VI., and the present reign; where the bishops are joined with the temporal barons, either in preparatory committees, or giving judgment in cases of treason. To proceed to the earl's trial at Westminster-hall; where I shall only mention that part of the charge which relates to the Church.

The ninth article sets forth, "That assuming to himself a power above and against law, he gave a general warrant, empowering the lord bishop of Down and Connor's chancellor, and under officers, to attach and arrest the meaner sort, who after citation should refuse either to appear before them, or

CHARLES
I.

*The earl of
Strafford's
trial.*

Jan. 30, A.D.
1640-41.

*The entire-
ness of the
bishops'
peerage.*

P. 544. 601,
et alib.

4 Edw. 3.
Roger de
Mortimer's
case.

16 Edw. 3.
Thos. de
Berkeley's
case.

3 Hen. 5.
concerning
the Earl of
Cambridge.

28 Hen. 6.
Duke of
Suffolk.
2 Charles 1.
Earl of
Bristol's
case.

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Abp. Cant.

submit to the order and decrees of their courts." To this the earl replied, "that such authorities had been usually granted to the bishops in Ireland by former deputies; that, however, being not fully satisfied with the convenience of this way of proceeding, he seldom granted any such warrants; but receiving information that several in the diocese of Down were somewhat refractory, he assisted that bishop in this manner; hearing, however, of some disorders in the execution he recalled his warrants."

In the nineteenth article the earl is charged with framing a new and unusual oath in favour of arbitrary government: that this oath was pressed upon the Scotch planters in Ireland; that those who took it were bound not only to acknowledge his majesty's supremacy, but to own the lawfulness of the ceremonies and government of the Irish Church.

*The earl
makes a
significant
defence.*

To this the earl replied, "that the oath was not compulsively put upon the Irish Scots, but drawn up in compliance with their own express petition; that this petition is mentioned in the proclamation as the leading motive; that the same oath was enjoined not long after by the English privy-council; and that he had a letter under his majesty's hand for making it a test of loyalty." Lastly, it was urged against the earl of Strafford, that he had preferred popish and infamous persons as the bishop of Waterford, and others, to the highest places in the Church of Ireland. To this the earl's answer was, "that he never preferred any but those he believed honest and conscientious persons; that he could not insure people's manners, nor prophesy upon their future behaviour: and as for the bishop of Waterford, he had already satisfied the law."

I'Estrange's
Hist. of
K. Charles I.
p. 221. 245.

The article which lay hardest upon the earl was his advising the king, as it was pretended, to bring over the Irish army to reduce this kingdom to obedience: these words were said to be spoken at the council-board when the dissolution of the last parliament was resolved: sir Henry Vane was the evidence, who being secretary of state, had taken some imperfect notes of what passed upon that occasion: for disabling this testimony, I shall waive the earl's defence, and only report part of the lord Digby's speech in the house of commons. This lord, when the bill of attainder was debating, declared that secretary Vane was thrice examined upon oath by the preparatory committee. That at his first and second examinations, made at

some distance of time, when the article concerning the Irish army was put to him, he gave this positive answer, "I cannot charge him with that, I can say nothing to that." CHARLES I.

The lord Digby goes on, and observes, that the juncto, that is, the cabinet, denying they heard the lord Strafford say any such thing, it was thought fit, after several weeks' interval, to examine the secretary once more. And now he recollected himself to purpose, and deposed that Strafford suggested the king might "employ the Irish army to reduce this kingdom," or words to that effect.

But this is but a single evidence, contradicted by the rest of the cabinet; and which is more, by this secretary himself, who had twice deposed upon oath he knew nothing of the matter.

The lord Digby, though one of the committee for preparing matter, and managing the trial against the earl, was so affected with the disproof of this grand article, that he solemnly washed his hands of Strafford's blood, and refused to concur with the bill.

As to the whole charge, the earl made a very handsome defence, and behaved himself to all imaginable advantage. To give this part of his character in Whitlock's words, who was one of the managers against him. "Certainly," (says this gentleman) "never any man acted such a part on such a theatre with more wisdom, constancy, and eloquence, with greater reason, judgment and temper, and with a better grace in all his words and gestures, than this great and excellent person did."

In short, the commons distrusting the force of their evidence, and being apprehensive the earl would be acquitted by his peers, changed their battery, and proceeded by way of attainder; it was thought none of the crimes marked for treason by the law could be proved upon him. However, the famous statute upon which the prosecutions for treason are grounded, has this clause, "that because some species of treason might then be forgotten, the justices, before they proceeded to give judgment, should bring doubtful and supposed treasons before the king and his parliament, where the matter was to be decided, whether the crime was treason or not." This clause was thought servicable to the present purpose, and might give a colour to the bill of attainder. And now, amongst other

Rushworth,
part 3.
p. 226.
Nelson,
vol. 2.
p. 158, 159.

Whitlock's
Memorials,
p. 43.
*He is pro-
ceeded
against by
bill of at-
tainer.*
25 Edw. 3.
cap. 2.

801.

LAUD,
Abp. Cant.

things, it was debated whether the bishops were to vote upon the bill. This gave occasion to a great many bitter invectives and personal reflections upon that order; not without the intermixture of threatening in case the spiritual lords should insist on their right of being an essential part of the legislature. However, the temporal peers were saved the trouble of declaring themselves further upon the point, for bishop Williams stood up, and moved in behalf of himself and his brethren, "that they might be excused being present at the trial; and that since they were ecclesiastical persons, they might not be concerned in matters of blood." These, and such other resembling reasons, were suggested by Williams; which, as the lord Clarendon judiciously observes, are of no great weight. This prelate, finding the commons very desirous of being disencumbered from the bishops' votes, applied strongly to their fears, endeavoured to terrify them with what they might suffer for making the late canons, and never left soliciting till he had prevailed with them to remove the disfavour of the parliament, by requesting to be excused before an order was passed for their absence at the trial. The bishops waving their right thus unseasonably, and abandoning the earl, who had deserved so well of the Church, was looked on as an excess of caution; and probably made some of the temporal lords less solicitous in appearing for them, when their own privileges were further questioned, and themselves stood in need of a defence.

The bishops move to be excused voting at his trial.

Lord Clarendon's Hist. of the Rebellion, p. 216, 217.

The parliament and court insulted by the rabble.

L'Estrange.

See 13, 14 Charles 2. cap. 29. where this attainder is repealed

In short, the bill passed with the commons, but found more opposition in the upper house: however, the mob being countenanced by the earl of Strafford's enemies, came down to the parliament-house in formidable numbers, insulted the lords, by crying "Justice! Justice!" and thus either frightened them from the house, or overawed the majority into a compliance: the king continuing firm against passing the bill, the rabble came down to Whitehall, repeated their insolent clamour, and menaced higher than before. The privy-council and judges being called to suggest an expedient for suppressing this treasonable riot, seemed low in their spirits, and gave very mysterious advice; they told the king there was no other way for preserving himself and family but by passing the attainder: that the necessity of the case ought to overrule all other considerations: that his majesty was obliged to be more tender of the public safety than of any one person, how innocent soever.

The king replied, that the compliance proposed was directly CHARLES I. contrary to his conscience, and therefore, to make his majesty easy, they desired him to consult the bishops. The bishops of London, Durham, and Carlisle, Williams, archbishop of York, and Usher, primate of Ireland, were sent for upon this occasion. In order to resolve the case, they state the question to the king in these words: "whether, as his majesty refers his own judgment to his judges (in whose person they act) in courts of oyer and terminer, king's-bench, assize, and in causes of life and death, and it lies on them if an innocent man suffer; so why may not his majesty satisfy his conscience in the present matter, that since competent judges in law had awarded that they found guilt of treason in the earl, that he may suffer that judgment to stand, though in his private mind he was not satisfied the earl of Strafford was so deeply criminal, and let the blame lie upon them who were the earl's judges."

Four of these bishops, Usher, Williams, Morton, and Potter, declared for the affirmative side of the question, as bishop Hacket reports from the mouth of three of them.

Another considerable historian relates, that the question being put to the bishops whether the king might lawfully pass the bill, they answered, "that his majesty was to distinguish between matter of fact and law:" as to the first, his majesty being present at the whole trial might qualify him to pronounce whether the articles of impeachment were proved home or not: and in case he believed the evidence came short, he would be obliged in conscience not to sign the bill. As to matter of law, whether any of the articles amounted to treason or not; the judges, they said, were obliged by their oaths to inform his majesty.

There was a writing, indeed, as this historian continues, put into the king's hand by archbishop Williams, but with the contents of this paper the other bishops were not acquainted: but that this paper related to a foreign subject, and was charged with no unfriendly advice against the earl of Strafford, is affirmed by an historian who had it from archbishop Williams himself. To mention the contents, the paper Williams put into the king's hand was a dissuasive against passing the bill for continuing the session during the pleasure of both houses: this was admirable advice, and had it been taken, might probably have prevented the rebellion.

The king, not satisfied with the bill, puts the case to the bishops.
Bishop Hacket's Life of Archbishop Williams, part 2. p. 161.

L'Estrange, Hist. of K. Charles, p. 265.

Bishop Hacket's Life of Archbishop Williams, part 2. p. 162. Lord Clarendon's Hist. of the Rebellion.

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Abp. Cant.

The lord Clarendon, who, one would think, could not be better informed than the historian last-mentioned, makes a lamentable casuist of archbishop Williams: he reports this prelate told the king, "there was a private and a public conscience; that his public conscience, as a king, might not only dispense with, but oblige him to do that which was against his private conscience as a man; and that the question was not whether he should save the earl of Strafford, but whether he should perish with him? That the conscience of a king to preserve his kingdom, the conscience of a husband to preserve his wife, the conscience of a father to preserve his children (all which were now in danger), weighed down abundantly all the considerations the conscience of a master or a friend could suggest to him for the preservation of a friend or a servant."

But to leave this matter with the reader, the bishops' opinion, as far as it appears, was founded upon the resolution of the judges; who, being consulted by the king, had declared the earl of Strafford guilty of high treason upon the whole matter: but being pressed to justify their opinion by statutes and authorities of law, they declined producing their proof.

Notwithstanding these motives the king could not prevail with himself to pass this bill: to set his majesty's conscience at liberty, the earl very generously wrote him a letter to persuade his compliance, and, amongst other things, declares himself willing to resign his life rather than keep up a misunderstanding between the king and his subjects. Upon this the king gives a commission to the lord privy seal, the lord chamberlain, and several others, to pass the attainder; and at the same time the king signed another destructive act for continuing the session as long as the two houses should think fit: and thus the parliament had some colour, though not any law, to push things to an extremity, and levy men and money against the government. Had not this act been passed, the king might have scattered them at discretion; and in case they had been so hardy as to have sat after a dissolution, they would have wanted a varnish to cover their coarse complexion, and the revolt would have been more legible and uncontested¹.

The earl of Strafford being to suffer the next day, desired to speak with the archbishop of Canterbury: the lieutenant of

¹ This remark of Collier respecting the long parliament is confirmed by the testimonies of our best political writers.

Whitlock.
L'Estrange.
Parr's Life
of Arch-
bishop
Usher, p. 45.
*The earl of
Strafford's
letter to the
king.*

the Tower told him that matter was impracticable without an order from the parliament. Upon this the earl told primate Usher, then with him, what he intended to have said in case the liberty had been granted: "My lord," says he, "pray desire the archbishop to assist me with his prayers to-night, and give me his blessing when I go abroad to-morrow; and desire him to be in his window, that I may thank him for this, and all his former favours." The primate immediately delivering the message, the archbishop replied, "That he should not fail serving the earl in the first part of his request, but was afraid his infirmity and concern would put him out of condition to take his last leave of his lordship:" however, the next morning, when the earl came by, the archbishop appeared at the window; the earl, making a low reverence, said, "My lord, your prayers and your blessing." The archbishop, lifting up his hands, gave him both; but being immediately overcome with grief and tenderness, swooned, and fell down: the earl, bowing again, took his leave, and said, "My lord, God protect your innocency." The archbishop quickly recovering himself, and imagining this behaviour might be interpreted to want of fortitude, told the company, "that when his own execution came on, he hoped God would enable him to manage himself with more firmness and unconcern."

CHARLES
I.

L'Estrange's
Hist. of
K. Charles I.

The earl of Strafford went on to the scaffold, and behaved himself with all imaginable marks of resignation and courage: the lieutenant of the Tower desiring him to take coach, for fear the mob should rush in, if he walked, and pull him in pieces. He told him, "No, he was not afraid to look death in the face, and the people too. Have you a care," said the earl, "I do not escape; and whether I die by the hand of the executioner, or the fury of the people, is to me perfectly indifferent."

His execution.

In his speech upon the scaffold he declared, that through the whole course of his employments his intention was always to promote the joint interest of the king and his subjects: that he was so far from being an enemy to parliaments, as had been charged upon him, that he thought the English government the happiest constitution upon this score; and that parliaments were the best human means for the prosperity of king and people. That "in the intentions and purposes of his heart," he was not guilty of what he died for, and prayed God

LAUD,
Abp. Cant.

would forgive those who contrived his death. That he died a true son of the Church of England, and prayed for the peace and prosperity of it. Then turning to his brother, sir George Wentworth, he desired him to charge his son to continue in the same communion, and never seize any part of the Church's

L'Estrange's
Hist.
And character.

patrimony, for that would prove a cancer to his estate.

This nobleman was a person of extraordinary natural parts, improved by business and education: he had a lively and penetrating genius; his thought reached a great way, and his manner of delivering himself was clear and moving: he was without question an accomplished statesman; and as he was happy at the designing part, so he wanted no courage to go through and execute: and as for loyalty and affection to the king, no man possessed that quality in a higher degree: neither was he only thus well furnished for the public service, but his private life was likewise regular and unblemished; but, in short, he was undone by his zeal for his master, and the weight of his merit sunk him: had his advice been taken, the Scottish invasion must in all likelihood have miscarried: this made the Covenanters implacable, and never give over till they had prosecuted him to the scaffold. Had he been false or indifferent to the crown, those few inequalities of his government would probably have been overlooked, and he might have lived to the end of his constitution; but he was too great a terror to rebellion to be endured at this juncture.

About a week before this nobleman suffered, the house of commons took an oath, called the "Protestation;" part of it runs thus:—

"I, A. B., do, in the presence of Almighty God, promise vow, and protest, to maintain and defend, as far as lawfully I may, with my life, power, and estate, the true reformed Protestant religion expressed in the doctrine of the Church of England, against all popery and popish innovation within this realm, contrary to the said doctrine; and according to the duty of mine allegiance, I will maintain and defend his majesty's royal person, honour, and estate."

Rushworth,
part 3.
p. 241.

This protestation had a meaning in reserve, not friendly to the Church of England, as will appear by and by.

p. 216.

To proceed. A design was now forming in the parliament

for lopping the revenues of the Church, and suppressing the deaneries and chapters. The Churchmen endeavouring to break this project, ordered one in each cathedral to come up, and solicit their friends in either house: they drew a petition to the lords and commons, but it was never presented: they likewise retained counsel, and instructed them with heads to plead on. But being informed the house would not allow them the benefit of the long robe; and that if they had any thing to suggest, they must appear, and plead their own cause; the matter standing thus, they made choice of Dr. John Hacket, prebendary of Paul's, and archdeacon of Bedford, for their counsel. This gentleman being admitted to the bar of the house of commons, made an argument to the following effect.

CHARLES
I.

He began with craving a favourable construction in regard of the double disadvantage he lay under.

“First, Upon the score of his being straitened in time; *Dr. Hacket's speech before the house of commons in behalf of deans and chapters.* the business being put upon him but the afternoon before. And, Secondly, Because he had no certain information of what was objected against deans and chapters; that he had only heard a flying report of their insignificancy; that he should endeavour to disprove this charge under two heads, that is, with respect to things and persons.

“To make good the first point, he observed, that to supply the defects of private prayer, it was fit devotion should be publicly performed in some place of distinction: and that this, in imitation of primitive practice, was constantly done in cathedrals. And whereas some complained the exquisiteness of the music made the service offensive, and that the sprightliness and bending of the notes took too much hold of the imagination; to this he answered, that himself, and the rest of his brethren, wished the entertainment might be reformed, and made less affecting: and here he dilated in commendation of Church music, when well suited to the solemnity of the occasion.

“From hence he went on to show the benefit of preaching in cathedrals: that the statutes of most of these mother-churches required sermons on the week-days; and that this practice had been the custom ever since the Reformation.

“He urged how serviceable the cathedrals appeared for the advancement of learning; that each of them was a sort of university in little; that here people were trained up to con-

LAUD,
Abp. Cant.

troversy, and furnished with abilities to defend the Church,—and he offered to produce a list of those dignitaries who had signalized themselves this way ;—that the taking away these encouragements would disserve the commonwealth of learning, and dishearten young students ; that the bare prospect of this misfortune had occasioned slender admissions in the universities already, and struck a damp into the booksellers' business ; and, lastly, he took notice there was something remarkable in the buildings themselves, and that cathedrals were the most ancient monuments of Christianity.

“ From things he passed on to persons, and observed that the maintenance of many thousand persons depended upon this establishment ; that all these, by the dissolution of deaneries and chapters, must be reduced to starving. His next instance was, how much the tenants to deans and chapters would suffer by such alienations ; and that these men, being sensible of the advantage of their tenures, had petitioned the house that their old landlords might be continued. Lastly, he suggested that the towns where these cathedrals stood, being many of them but slenderly furnished with trade, were enriched by the hospitality of the clergy, and the frequent resort of strangers.

“ From hence he proceeded to urge, that the endowments of deaneries and chapters were a handsome provision for many younger brothers, and encouraged to industry and learning.

“ And since it was remarked by travellers, that all degrees of the English laity lived more to plenty and fashion than in other countries, he hoped the clergy might be allowed a share in the common advantage, and not be distinguished in poverty and disregard, and be made like Jeroboam's priests,—‘ the lowest of the people.’

“ That the bigoted Papists would be much pleased to see the Church of England thus disfurnished ; and that Saunders himself seems to complain, that queen Elizabeth had left these cathedral promotions standing in the Reformation.

De Schism.
Anglic.

“ From hence he advanced to show, that the lands belonging to these foundations were particularly serviceable to the public ; and that their first-fruits, tenths, and subsidies, exceeded the proportion of other estates ; and that, in case they were called upon, they were ready to contribute to the necessities of the State, and assist their country in an extraordinary manner.

“ And, to conclude, he put them in mind that the interest of

religion and the honour of God were deeply concerned in the subject before them ; that those structures and estates were a sort of homage paid to Heaven, and consecrated to divine worship ; and that, for this reason, they were guarded against alienation with most dreadful imprecations. He observed, that the censers of Corah and his faction were declared ‘ hallowed,’ and made plates for the altar, because they had been employed in God’s service : neither was the wickedness of the men a sufficient reason for bringing what they had consecrated to common use. And that this was no Levitical particularity, might be collected from the text in the Proverbs : ‘ That it is a snare to the man who devours that which is holy.’ To this he added that remarkable question put by St. Paul : ‘ Thou that abhorrest idols, dost thou commit sacrilege?’ He concluded, that nothing but ignorance could be expected from withdrawing the encouragements of learning ; and that ignorance would carry us to profaneness and confusion.”

CHARLES

I.

Prov. xx. 25.

Rom. ii.

May 12,
A.D. 1641.

This speech, being thus significant in the sense, and handsomely delivered, made an impression upon the house : inso-much, that had the alienation of those lands been then put to the question, it is thought it would have gone in the negative by a majority of one hundred and twenty.

Fuller’s
Ch. Hist.
book 11.
*Burges
speaks on
the other
side.*

In the afternoon, Dr. Cornelius Burges appeared at the bar of the house of commons for the Puritan party, and made a violent invective against deans and chapters, endeavoured to set forth the unprofitableness of their corporations, and dilated upon the immorality of those who sung in the choirs. But, notwithstanding all this satire, he declared himself strongly against alienating these endowments to secular use and private advantage.

A petition to the same sense, in favour of deans and chapters, was presented to the parliament by both universities.

Rushworth,
part 3.

Dr. Hacket’s argument being supported by addresses from the universities, there was a warm debate in the house : the episcopal party alleging, that, by the late protestation, they had engaged themselves to defend the Church as by law established. This motion brought the house to a further explanation of the protestation ; and the point being put to the question, it was carried by a considerable majority, that, by these words,—“ the true reformed Protestant religion expressed in the doctrine of the Church of England against popery and

*The pro-
testation ex-
plained.*

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popish innovations in this realm,"—by these words, the house declared, "that they only intended to comprehend the public doctrine professed in the said Church; and that the said words are not to be extended to any form of worship, discipline, or government, nor of rites or ceremonies."

Rushworth's
Hist. Coll.
vol. 3.
p. 273.

To proceed: a bill was brought up from the commons to the lords, against bishops and clergymen, which, consisting of several branches, was voted by parts. The branches were,—

1. That they should have no votes in parliament.
2. That they should not be in commission of the peace, nor judges in temporal courts.
3. That they should neither sit in the Star-chamber nor be privy-councillors.

Williams, archbishop of York, made a long and learned speech against all the parts of this bill: particularly, as to the latter heads, he endeavoured to prove the clergy's being concerned in temporal affairs was both lawful and serviceable to the public, and supported his argument with good reasoning and authority. But, having had occasion to treat this subject in both the volumes of this history, I shall omit the archbishop's discourse. The reader, if he pleases, may see the abstract of it in another performance.

Supplement
to Moreri's
Dictionary,
article
Williams.

*This viscount
was afterwards earl
of Kingston.*

May 21.
May 24.
*The viscount
Newark's
speech in
defence of
the bishops
and clergy.*

However, the viscount Newark's two speeches in the house upon this occasion must not be altogether unmentioned.

In his first speech, this noble lord argues against the bishops being deprived of their votes in parliament.

In the first place, he takes notice of their being possessed of this privilege for many hundred years. He "does not think their assisting in parliament any inconsistency with their office; but that they have time enough to serve their country in the legislature, and discharge their spiritual employments." And for this he appeals to experience.

From hence he proceeds to the ill consequences of the bill. He conceives, "dangers and inconveniences are best prevented at a distance; that this precedent, though it strikes directly upon the bishops, may reach the temporal lords at the rebound. For what right and dignity is secure, if bare affirmation passes for proof? And what lord can be assured of continuing a member of the house, when six-and-twenty are thus unexpectedly struck off together."

804.

He desires their lordships "to recollect in what condition of

disadvantage the bishops must be left, if the bill passes. The ^{CHARLES}
 meanest commoner is represented in the lower house, but the ^{I.}
 bishops will be thrown out of this common benefit. Now,
 what justice can tie them to the keeping those laws, to the
 making of which they never gave any consent?"

He desires their lordships to consider, "that, by proceeding in this manner, the Church must suffer in her principal members, and lose the honour she has enjoyed for so many ages through all Christendom: and that even the heathen, whether polished or barbarous, have always paid a great regard to religion, so that this universal practice seems founded upon the principles of common reason and nature itself."

His second speech refers to that part of the bill which strikes out the clergy from intermeddling with temporal affairs. And here his lordship observes, "that the lawfulness of the clergy's concerning themselves this way is plainly asserted in the bill: for the universities, and such persons as shall have honour descend upon them, are excepted in this restraint. Now, circumstances and chance cannot alter the nature of things, nor weaken the force of an universal proposition." He takes it for granted, that, by the English constitution, the bishops and clergy have a right to engage in secular business; and secondly, that the law of God, at the lowest, leaves this matter at liberty. From hence he goes on to argue briefly from four topics: first, he considers the clergy only as men; secondly, as parts of the commonwealth; thirdly, he reasons from the best manner of the legislature; and, lastly, from the practice of all times and religions.

Under the first head his lordship conceives, "that those who were farthest improved are best qualified for public service: for knowledge and conscience often go together; whereas ignorance has seldom any force of principle, or anything for precept to take hold of. Now, why should we throw people out of that capacity they are bred and born to, and bar them an employment they are so well prepared for?"

"The body politic," as he continues, "has some resemblance to the body natural: every part contributes something to the benefit of the whole. Now to be part of a body, and perform no function, is to serve no purpose. To make this reasoning bear, he argues that the commonwealth subsists by the legislative and the executing part. Those, therefore, who have

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neither head in the making, nor hand in the executing the laws, can be looked upon as no better than persons insignificant to the constitution."

This lord having repeated somewhat in his former speech, proceeds to answer objections.

2 Tim. ii.

"1. As to the text, 'That no man that wars entangleth himself with the affairs of this life.' This makes nothing against the clergy, except it can be proved that meddling and entangling are words of the same force and meaning. Besides, though the apostle writes to an ecclesiastic, the advice reaches the laity no less than the clergy, as is unanimously agreed by the best expositors.

2. It was by some objected, that engaging in temporal affairs was inconsistent with the spiritual office. To this his lordship replies, "That grace in many cases agrees with nature, carries it to a higher improvement, and fits it for those great functions of Providence, making laws, and doing justice. It is plain, therefore, there is nothing resulting from a solemn character which can any way disable a man from these things."

But notwithstanding there is no strict inconsistency, it is possible such engagements may be a clog upon a holy calling. To be better prepared for this objection, "he declares strongly for preaching; but thinks there is not the same necessity for such instruction as there was in the primitive times: for God forbid that sixteen hundred years of Christianity should make us no better acquainted with the Gospel. He observes, further, that the business of a churchman does not consist wholly in preaching; that they are not altogether without leisure for serving the public; that the bishops are seldom called to parliament above once in three years; and which way can they be better employed than in appearing at such solemn assemblies, and promoting the joint interest of Church and State?" And here his lordship cites a testimony from Eusebius, that Constantine the Great had bishops in his camp, and consulted them in military affairs.

Euseb. Vit.
Constant.
lib. 4.
cap. 56.

"And whereas it is said, rewards have a great stress in business, and that bishops may be tempted by such motives to give their conscience a loose. Granting all this, does not this exception come with equal force against the laity? Are ecclesiastics the only persons of flexible tempers and unguarded

honesty? Or has the crown no honour or offices for any but ^{CHARLES I.} the clergy? To affirm this is wrong in the fact, and uncharitable in the supposition. If we reason this way, he conceives the bishops have the advantage of the comparison. The knowledge of their duty, the solemnity of their calling, the gravity of their age, and their neighbourhood to the other world, are all motives to regularity and strict conduct.

“But some of them have misbehaved themselves. That is no argument to punish the order. Some of the judges, some of the other magistracy and officers, have failed in their duty; must we therefore have no judges, no inferior ministers of justice, nor any officers in camp or court? The punishment ought not to be stretched beyond the crime, nor one man suffer for the fault of another¹.”

This speech was not without its effect in the house; confirmed the bishops' party, and helped to keep them on their bench for some time.

The university perceiving the cathedrals in danger, and the encouragement of learning struck at, addressed the parliament upon this subject.

The storm beginning to gather, and the tide running high against the Church, Juxon, bishop of London, resigned his treasurer's staff, and the place was managed by commission.

A bill for taking away the High Commission, of which the Puritans had so loudly complained, was sent up to the house of lords, passed there, and was soon after signed by the king. By this statute it is enacted, that, “After the first day of August, no archbishop, bishop, or any spiritual or ecclesiastical judge, or any other person exercising spiritual or ecclesiastical power by any commission from the king, or by any power or authority derived from his majesty, his heirs or successors, or otherwise, shall award, impose, or inflict any pain, penalty, fine, amerciamment, imprisonment, or other corporal punishment, upon any of the king's subjects, for any contempt, misdemeanour, crime, offence, matter, or thing whatsoever, belonging to spiritual or ecclesiastical cognizance, or jurisdiction; or shall *ex officio*, or at the instance or promotion of any other person

See Records,
num. 117.

June 24,
A.D. 1641.
*The courts
of the High
Commission
and Star-
chamber
put down.*

¹ The amount of learning and political philosophy which ennobled many of the parliamentary speeches in the time of the Stuarts, may surprise those who read only the senatorial debates of our own times.

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whatsoever, urge, enforce, tender, give, or minister unto any churchwarden, sideman, or other person whatsoever any corporal oath, whereby he or she shall or may be charged, or obliged to make any presentment of any crime or offence, or to confess or accuse himself or herself of any crime, offence, or misdemeanour, or any neglect, matter, or thing, whereby or by reason whereof he or she shall or may be liable or exposed to any censure, pain, penalty, or punishment whatsoever, upon pain and penalty, that whosoever shall offend contrary to the statute, shall forfeit and pay treble damages to every person thereby grieved, and the sum of a hundred pounds to him or them who shall first demand or sue for the same.

"It is likewise further enacted, That no new court shall be erected by his majesty, his heirs, or successors, with the like jurisdiction or authority as the said High Commission Court now hath, or pretends to have."

16 Charles 1.

cap. 11.

Ibid.

Charles 1.

cap. 10.

Archbishop
Williams'
bill for a
further re-
gulation of
the bishops'
jurisdiction,
&c.

The court of Star-chamber was likewise put down this session.

Williams, archbishop of York, brought a bill into the upper house for the regulation of bishops and their jurisdiction. His scheme takes in ten articles.

*The Star-chamber
which was court
admiral &c. &c.
judgments of
the king &c.
at. these big
abolition was
a humph over
regal authority*

805.

1. That every bishop being in his diocese, and not disabled by ill health, should preach once every Sunday, or pay five pounds to the poor, to be levied by the next justice of peace, and distress made by the constable.—This, had it gone forward, would have been a very humoursome piece of reformation, and made the justice, in some measure, the bishop's metropolitan.

2. That no bishop shall be justice of peace, excepting the dean of Westminster in Westminster and St. Martin's.—Here the archbishop hedged in a little privilege for himself, for he was then dean of Westminster.

3. That every bishop should have twelve assistants (besides the dean and chapter) for jurisdiction and ordination. Four of these twelve were to be chosen by the king, four by the lords, and four by the commons.—But here the bill neither tells us whether they should be clergy or lay, nor assigns them their business.

4. That in all vacancies these assistants, with the dean and chapter, should present to the king three of the best qualified

divines in the diocese, out of which number his majesty was to choose one for a bishop. CHARLES
I.

5. That deans and prebendaries should be non-resident at the cathedrals but sixty days in the year.

6. That sermons should be preached in these mother churches twice every Lord's day, once every holy day, and a lecture on Wednesday, with a salary of an hundred marks per annum.

7. That all archbishops, bishops, collegiate churches, &c. shall be obliged to give a fourth part of their fines and improved rents, to buy in impropriations.

8. All double beneficed men should pay the value of half the living to the curate.

9. No appeal should be made to the court of Arches, or court of Audience.

Lastly, It was suggested in the bill, that canons and ecclesiastical constitutions might be drawn up and suited to the laws of the realm, by sixteen learned persons; six of them to be nominated by the king, five by the lords, and five by the commons. By this article the clergy in all likelihood would have had none of their own body to represent them in the spiritual legislature.

Fuller's
Church
Hist.
book 11.

This bill was dropped after once reading. For notwithstanding the oddness of the scheme, it fell short of satisfaction: there was now a deeper project on foot; the ecclesiastical constitution was to be dissolved, and the Presbyterian government set in its place. However, this design was not spoken out at present, though the commons came pretty near it in their debates about a new form of ecclesiastical jurisdiction, where they agreed, "That every shire should be a several diocese, a presbytery of twelve divines in each shire, and a president, as a bishop, over them; and he, with the assistance of some of the presbytery, to ordain, suspend, deprive, degrade and excommunicate. To have a diocesan synod once a year, and every third year a national synod, and they to make canons, but none to be binding till confirmed by parliament."

The commons' vote touching Church-government.

Whitlock's
Memorials,
p. 45.
Idem.

Usher, primate of Arnagh, is said to have offered an expedient for bringing presbytery and episcopacy towards an accommodation, and for abating the distinguishing character, and jurisdiction of the latter. The commons, pursuing their

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Abp. Cant.

*Wren, bishop
of Ely, im-
peached by
the commons.*

project of Church reformation, drew up an impeachment of Wrenn, bishop of Ely, digested into five-and-twenty articles: it was carried to the lords by sir Thomas Widdrington, who delivered it with a satirical speech. The substance of the articles amounted to no more than that the bishop pressed conformity, and exerted the discipline of the Church. But this, at that time, was enough for the commons to vote him "unworthy and unfit to hold or exercise any office or dignity in church or commonwealth." After this they desired the lords to concur with them in an address to the king, that this prelate "might be removed from his place and service." In short, they carried their point, and Wrenn was committed to the Tower.

August 10.
Idem.

The king was now resolved to make a progress into Scotland for quieting the discontents in that kingdom. Not long after his majesty's setting forward, the two houses adjourned to the 20th of October, and settled committees for transacting business during the recess. And here it may not be improper to mention, that notwithstanding the late clamours against profaning the Sunday, by the king's declaration concerning sports, the two houses took the liberty to sit, and do business upon this day. About a week before the king took his journey, an impeachment of thirteen bishops by order of the house of commons was sent up by serjeant Wild, and delivered at the bar in the lords' house, with this introductive speech.

August 4.
Rushworth,
part 3.
p. 362.

*An impeach-
ment of
thirteen
bishops of
the late con-
vocation.*

"MY LORDS,

"The knights, citizens and burgesses of the commons' house of parliament, being sensible of the great infelicities and troubles which the commonwealth hath sustained by the exorbitant courses of the bishops, and knowing well what the wise man saith, 'That if sentence be not speedily executed against an evil work, the hearts of the sons of men are set upon further mischief,' (the timely redress whereof doth better become the wisdom of a parliament, than a too late woful repentance,) have commanded me to represent unto your lordships, that Walter bishop of Winchester, Robert bishop of Coventry and Lichfield, Godfrey bishop of Gloucester, Joseph bishop of Exeter, John bishop of St. Asaph, William bishop of Bath and Wells, George bishop of Hereford, Matthew bishop of

Ely, William bishop of Bangor, Robert bishop of Bristol, CHARLES
 John bishop of Rochester, John bishop of Peterborough, ^{1.}
 Morgan bishop of Landaff, together with William archbishop
 of Canterbury, and others of the clergy of that province, at a
 convocation or synod for the same province, begun at London
 in the year 1640, did conceive, make, and promulge several *p. 181*
 constitutions and canons ecclesiastical, containing in them
 divers matters contrary to the king's prerogative, to the
 fundamental laws and statutes of this realm, to the rights of
 parliament, to the property and liberty of the subjects, and
 matters tending to sedition, and of dangerous consequence.

“And to add more weight and efficacy to this their monstrous design, they did at the same synod, under a specious and fair title, grant a benevolence or contribution to his majesty, to be paid by the clergy of that province, contrary to law. It rested not there, for though this had been enough to have affrighted and terrified the king's people with strange apprehensions and fears, yet that these might not seem to be contrivances of the brain, or fancies only, they were put in execution, and were executed upon divers with animosity and rigour, to the great oppression of the clergy of this realm, and other his majesty's subjects, and in contempt of the king, and of the law.

“Whether those persons, my lords, that are culpable of these offences, shall be thought fit to have an interest in the legislative power, your lordships' wisdom and justice is able to judge.

“But for these matters and things, the knights, citizens, and burgesses of the commons' house of parliament, in the name of themselves, and of all the commons of England, do impeach the said bishops before named, of the crimes and misdemeanours before expressed; and do therefore pray that they may be forthwith put to their answers in the presence of the commons, and that such farther proceedings may be had against them as to law and justice shall appertain.”

Rushworth's
 Hist. Coll.
 part 3.
 p. 359.

The bishops impeached desired time till Michaelmas term to put in their answer. This motion being strongly opposed by some temporal lords, two questions were put :

First, Whether the bishops should sit in the house, though

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without voting (to which last restraint they consented themselves), while the time for making their answer was debating?

Secondly, What time they should be allowed for making their defence?

The first question was carried for them in the affirmative. And as to the second, they had time given them to the 10th of November for putting in their answer. The bishops made choice of Warner, bishop of Rochester, to solicit in the cause. This prelate retained sergeant Jermin and Mr. Chuite for counsel; Jermin refused to plead without a warrant from the house of commons. The bishops thinking the demand unreasonable, this lawyer was laid by; but Chuite was more just and generous: for being asked by the temporal lords whether he would plead for the bishops, he replied, "Yes, as long as he had a tongue to plead with." This gentleman soon after drew up a demurrer in behalf of the bishops to prove what they had done in the late convocation could not amount to a præmunire. This defence was shewed to archbishop Williams, and commended for an impregnable performance. In short, the strength of the plea was probably the reason the prosecution slept, and that the bishops heard no more of the impeachment.

The king was now at Edinburgh, and made a very unfortunate affair of his journey. At the parliament now sitting there, he signed several acts extremely prejudicial to the prerogative; but these being somewhat foreign to this history, shall be mostly unmentioned. However, it may not be improper to observe, that what was expected would have been pardoned in an act of oblivion, was couched in a form of justification of the Covenanters' misbehaviour: for instance; their first tumults and erecting their tables in opposition to the government; their suppressing the justice court and the session, and the acts and orders of their tables, are declared to be the effects of their duty to his majesty, and according to the law of the land. And thus all those loyal persons who had opposed these mutineers in defence of the government, and stood authorized by his majesty's commissions, were made criminals. These royalists were the only persons excepted from pardon, and barred the benefit of the indemnity.

And as to the Church, the seditious acts of that assembly which had expelled the bishops and the canonical clergy, dis-

The prosecution of them dropt.
Fuller's
Ch. Hist.
book 11.

806.
The king goes to Scotland, and proves unfortunate in his conduct.

owned their spiritual governors being members of their body, ^{CHARLES I.} and affirmed a power in themselves to stretch the censures of the Church upon the crown, were declared “to be lawful, and according to the constitution of the kingdom: that the government of the Church by archbishops and bishops was repugnant to the word of God: that the prelates were enemies to the propagation of the true reformed Protestant religion; and that for this reason their order was to be suppressed, and their lands given to the king, his heirs and successors.

The slender remains of the Church's patrimony being vested in the crown, the king gave it all away to the Covenanting party. In short, his majesty, by abandoning his friends, and caressing his enemies, not only sunk his interest in that kingdom, but gave great encouragement to the faction in England. The enemies of the Church now concluded their business in a good condition. And since the king had signed an act in Scotland that the Church government by archbishops and bishops was against the word of God, they did not question bringing him to the same compliance in his Westminster parliament¹.

Lord Clarendon's Hist. of the Rebellion, vol. I. part I. Bishop Guthrie's Memoirs.

To mention somewhat of their courage and expedition in this affair; and here I am to acquaint the reader, that about half a year since, the lords, to stop the irregular zeal of some over-forward people, published an order, “that divine service should be performed as it is appointed by the statutes of this realm; and that all such as shall disturb that commendable order shall be severely punished according to law; and that the parsons, vicars, and curates in their respective parishes, shall forbear introducing any rites or ceremonies that may give offence, otherwise than those which are established by the laws of the land.” This order was made upon the 16th of January last; and upon the 9th of September, the day upon which they adjourned, it was resolved upon the question, that the above-said order should be printed and published. The lords desired the concurrence of the commons; but the lower house, thinking the strict execution of the laws unseasonable, voted their dissent to both the orders, and published a short declaration, in which they gave the kingdom an expectation of making a considerable reformation in matters of religion.

An order of the lords against innovating in religion.

Rushworth's Hist. Coll. part 3. vol. I. p. 387.

To be somewhat more full upon this matter; the commons

¹ King Charles I. will probably seem to some of the readers of Collier an illustration of a common proverb, “Quem Deus vult perdere, prius dementit.”

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Abp. Cant.

had lately revived the debate touching innovations in the Church, and passed several votes against them. The lords at the same time repeated their declaration for the observation of the Common Prayer, without omission or alteration. These votes, which looked like clashing, occasioned a conference between both houses; at which the commons desired their lordships to consent to the following declaration. To this the lords returned no answer; and which further disgusted the commons, they resolved upon the question, that their order above-mentioned, on the 16th of January, should be printed and published.

A.D. 1641.
The commons' declaration concerning innovations in the ceremonies.

The commons' declaration, to which they desired the concurrence of the upper house, was as follows:—

“Whereas divers innovations in or about the worship of God have been lately practised in this kingdom, by enjoining some things and prohibiting others, without warrant of law, to the great grievance and discontent of his majesty's subjects: for the suppression of such innovations, and for preservation of public peace, it is this day ordered, by the commons in parliament assembled, that the churchwardens in every parish-church and chapel respectively do forthwith remove the communion-table from the east end of the church, chapel, or chancel, into some other convenient place; and that they take away the rails and level the chancels as heretofore they were before the late innovations.

“That all crucifixes, scandalous pictures of any one or more persons of the Trinity, and all images of the Virgin Mary, shall be taken away and abolished; and that all tapers, candlesticks, and basons, be removed from the communion-table.

“That all corporal bowing at the name Jesus, or towards the east end of the church, chapel, or chancel, or towards the communion-table, be henceforth forborne.

“That the orders aforesaid be observed in all the several cathedral churches of this kingdom, and all the collegiate churches or chapels in the two universities, or any other part of the kingdom; and in the Temple-church, and the chapels of the other inns of court, by the deans of the said cathedral churches, by the vice-chancellor of the said universities, and by the heads and governors of the several colleges and halls aforesaid, and by the benchers and readers in the said inns of court respectively.

“That the Lord’s-day shall be duly observed and sanctified: CHARLES
all dancing or other sports, either before or after divine ser- ^{I.}
vice, be forborne and restrained; and that the preaching of
God’s word be permitted in the afternoon in the several ^{as has been superse-}
churches and chapels of this kingdom, and that ministers and ^{dis by calendarizing.}
preachers be encouraged thereunto.

“That the vice-chancellors of the universities, heads and governors of colleges, all parsons, vicars, churchwardens, do make certificates of the performance of these orders: and if the same shall not be observed in any of the places before-mentioned, upon complaint thereof made to the two next justices of peace, mayor, or head officers of cities or towns corporate; it is ordered, that the said justices, mayor, or other head officer respectively, shall examine the truth of all such complaints, and certify by whose default the same are committed: all which certificates are to be delivered in parliament before the 30th of October next, 1641.”

Thus the usages of antiquity, the orders of the bishops, the canons of the Church are superseded, and the clergy enjoined obedience to this extraordinary declaration: one would almost have thought so peremptory a decision must have come from the apostolic synod at Jerusalem, or, at least, from one of the four general councils. But this, after all, was no more than an order of the lay-commons, and that without consulting the convocation, without the concurrence of either lords or sovereign. In short, these secular gentlemen interposing thus in the government of the Church, serves only to sap the foundation, and sink the credit of religion; gives libertines a handle to disbelieve Christianity, and look upon the creed as a trick of state policy. However, Pym, the chairman of the committee, sent down the declaration into the country after the recess, enjoined the reading it on the parochial clergy, and executed the order with more than patriarchal authority.

The design of throwing the bishops out of the house of lords going on, notwithstanding the late disappointment, it was thought fit to batter their reputation, and try to make them look little in common esteem. To this purpose the lord Brook published a pamphlet against the bishops, represented them as persons meanly born, and by their way of study alto-
The bishops' extraction misrepresented by the lord Brook.

LAUD,
Abp. Cant.

disadvantage of birth being no better than downright calumny, Williams, archbishop of York, Morton, bishop of Durham, Curle, bishop of Winchester, Cook, bishop of Hereford, and Owen, bishop of St. Asaph, proved themselves men of descent and wealthy families. Juxon, bishop of London, had a creditable education at Oxford and Gray's-inn. And as for the rest of the order, they were most of them either extracted from clergymen or lay gentry: it is plain, therefore, lord Brook's charge proceeded from unbenevolent humour; the disaffection was remarkable, but altogether wide of matter of fact.

807.

Another argument the temporal lords were contriving, to part with the bishops, was the treating them with unusual neglect in the parliament house. For instance, they were joined in committees with the temporal lords in under proportioned numbers: the clerk of the parliament, in reading the bills, turned his back to the bishops with uncustomary disregard; and on their going to church on a solemn fast-day, the temporal barons gave themselves precedency of the bishops. This being altogether new, the lord Spencer, afterwards earl of Sunderland, made a remark upon it: "Is this," says he, "a day of humiliation, wherein we take so much pride in taking place of those to whom our ancestors ever allowed it."

Fuller's
Ch. Hist.
book 2.

The bishops' interest giving way in the upper house, the commons resolved to push the opportunity: for this purpose Mr. Pym, at a conference with the lords, made the following speech:—

October 23.
*Pym's
speech
against the
bishops.*

"MY LORDS,

"The parliament, the fountain of justice, ought to be preserved pure from corruption, and be free from partiality, which will add not only lustre, reputation, and honour, but authority, to what is done in parliament; all men's estates and liberties are preserved under the safe custody of parliament; this moveth us to be careful of any thing that may prejudice the parliament, in point of freedom and integrity.

"Therefore the knights, citizens, and burgesses, of the house of commons, have commanded me, with my colleague, to represent unto your lordships two propositions, which they hold of very great importance, and necessary to be put in execution at this time.

"First, That those thirteen bishops which stand accused

before your lordships for making the late Book of Canons, and CHARLES
putting them in execution, may be excluded from their votes in I.
parliament.

“Secondly, That all the bishops may be excluded from having any vote in that act, sent from the house of commons to your lordships, entitled, ‘An Act to take away the Bishops’ Votes in Parliament,’” &c.

After this member had gone on some length in declaiming against the bishops, he was seconded by Mr. Solicitor St. John, who urged several reasons and precedents for excluding the bishops voting in the bill last mentioned.

First, In regard they have no such inherent right of assisting in parliament, as the lords temporal have, because they do not assist there as a representative body.

Solicitor St. John's argument against the bishops' peerage, §c.

But this argument disables the temporal lords no less than the spiritual from sitting in parliament; for these represent no further than their own persons.

Secondly, Mr. Solicitor argues the bishops have not an equal inherent right of peerage with the temporal lords, because their power is not of the same extent. For instance, they have no liberty of voting at the trial of a peer; which privilege could not be taken away by any canon, if the right of it was (as he calls it) inherent.

That the bishops' peerage is entire, has been already proved, and need not be repeated.

See first and second vol. of this Hist.

Thirdly, If the bishops represented the clergy, and amounted to a third estate, no act of parliament could be good without their assent: to disprove this, he observes, the bishops, in the first of queen Elizabeth, disagreed to the bill for establishing the Common Prayer; and yet the statute has always been reckoned binding.

To this it may be answered, first, That by the custom and constitution of parliament, the lords spiritual and temporal are reckoned as one body in giving their votes; and therefore the house is always concluded by a majority, without regard to any distinction of character in the members. As to the rest of his argument, I shall refer the reader to what I have already written.

See above in the first year of queen Elizabeth. The bishops one of the

Further, That the bishops are a third estate, is evident from the records of parliament: to mention some of them.

LAUD,
Abp. Cant.
*three estates
in parlia-
ment.*

By the Parliament Roll, 1 H. IV. it appears, that king Richard II. appointed two proxies to declare his resignation of the crown "*coram omnibus statibus regni*;" who these estates were appears afterward, when they were called, "*Pares et proceres regni Angliæ spirituales, et temporales, et ejusdem regni communitates omnes status ejusdem regni representantes.*"

By this authority, it is evident the bishops are not only a third estate, but peers of the realm.

In the Parliament Roll, 1 R. III. it is recorded, that before his coronation certain articles were delivered to him in the name of the three estates of the realm; that is to say, in the name of the lords spiritual, the lords temporal, and the commons.

Rot. Parl. 1.
R. 3.

To proceed: 3 H. VI. the record mentions the three estates assembled in this present parliament; and in explaining the extent of the duke of Bedford's protectoral power, it is said, it was advised and appointed by the authority of the king, assenting the three estates of this realm: from whence it is plain, the king was not reckoned one of them.

Cotton's
Abridg-
ment of
Records,
p. 710. 714.
Rot. Parl.
3 Hen. 6.
num. 19.
6 Hen. 6.
num. 24.

The 11th H. VI. the duke of Bedford appeared in parliament, and assigned the reason of his coming, "*coram domino rege, et tribus statibus regni,*" before the king and the three estates of the realm: and in the twenty-third year of the same reign, the Parliament Record runs "*Presente domino rege et tribus statibus in presenti parlamento existentibus.*" And in another year, "*Domino rege et tribus regni statibus in pleno parlamento comparentibus.*"

23 Hen. 6.
num. 11. 23.
Hen. 6.
num. 9.

To go back to one instance in the first year of this reign, the queen dowager in her petition mentioning an order of parliament, made 9 H. V. declares it was not only sworn by the king, but by the three estates of the kingdom of England, "*C'est assavoir, les prelatz, nobles, et grands, et par les communs de mesm le roialm d'angleterre.*"

1 Hen. 6.

From all these records it appears, that the three estates are fundamental to the constitution of parliaments, and that the bishops are one of them.

See Grand
Question,
&c.

The solicitor St. John argues, that the king may hold his parliament without calling the bishops to it: for this he cites the opinion of the judges in 7th Hen. VIII.; but this case I have considered already under that year, and therefore shall add nothing further.

It is insisted on, Fifthly, That in the 25th Ed. I. a parliament was held at St. Edmund's Bury, *excluso clero*: that notwithstanding this, many good laws were made there.

CHARLES I.

Rushworth's Hist. Coll. part 3. p. 395, 396.

To this it is answered, First, That to argue from a single instance against customary and general practice, is no good logic; and over and above, if one of the three estates may be set aside at discretion, why not another?

Secondly, The bishops in this parliament were not excluded the session by the king, and the other two estates, but by their own choice: the occasion of it was a bull of Boniface VIII.; by which the clergy were forbidden giving any more subsidies. And whereas it is affirmed, many good unquestioned laws were made in that session, it is plain by the rolls, that nothing of this kind was done in that parliament, except the temporalties granting a twelfth to the king.

808.

To proceed: the bishops were not only struck at in their parliamentary privilege, but in their spiritual character. To do them justice in this point and support the government of the Church, archbishop Usher published a seasonable tract to combat the "Root and Branch Bill," and prove episcopacy of apostolical institution. A brief abstract of the main of this performance may not be unacceptable to the reader.

Archbishop Usher's Discourse in Defence of Episcopacy.

The meaning of the "Root and Branch Bill" was the abolishing episcopacy, and introducing the Presbyterian government.

To begin: to make good that those whom our translation calls elders were subordinate to the bishop, he proves that those whom St. John, in the Revelations, calls the angels of the Churches, were bishops both in name and authority: particularly, that St. Timothy was bishop of Ephesus; and that one of those angels St. John writes to was his successor. This he proves, first, by the list of bishops of the Church of Ephesus; and, secondly, by the testimony of St. Ignatius and others.

For the first point, it was publicly declared by Leontius, bishop of Magnesia, at the fourth general council, Ἀπὸ τοῦ ἁγίου Τιμοθέου μέχρι νῦν εἰκοσίεπτα ἐπίσκοποι ἐγένοντο· πάντες ἐν Ἐφέσῳ ἐχειροτονήθησαν. "That, from Timothy, and therefore by inevitable consequence from the time of the apostles, there had been a continued succession of twenty-seven bishops, all ordained in Ephesus."

Council. Chalced. act. 2.

That Beza, in his commentaries, confesses that Timothy had been some time the προεστὼς, or president of the Ephesian presbytery; that Justin Martyr calls him that presides in the

LAUD,
Abp. Cant.

Hist. Eccles.
lib. 3. cap. 4.

ecclesiastical assemblies *προεστῶς*, who, by the other Fathers, is called a bishop¹. That St. Timothy was ordained bishop of the Church of Ephesus, is further confirmed by the testimony of Eusebius, and likewise by two tracts, of considerable antiquity, concerning the martyrdom of St. Timothy: one of these is anonymous, and mentioned in Photius's "Bibliotheca;" the other is said to have been written by Polycrates, who was himself bishop of Ephesus, and born within thirty-seven years after St. John wrote the Revelations.

Theod.
Dial. 1.
Felix 3. in
Epist. ad
Zenon. Imperat.
Recitat. in V.
Synod. C. P.
act. 1. tom. 2.
Concil.
p. 222.
Edit. Binii
Johan.
Antiochen.
Chron. c.
lib. 10. MS.

That Onesimus was bishop of Ephesus, and consequently the angel of that Church, to whom St. John wrote the Epistle in the Revelations, primate Usher proves from Ignatius. "Now Ignatius, whom Theodoret, Felix III., and Johannes Antiochenus reported to have been ordained at Antioch by St. Peter, was, without all question, bishop of that see when St. John wrote that letter to the angel of the Church of Ephesus: for St. John wrote his Revelation towards the end of Domitian's reign, as Irenæus affirms, or in the fourteenth year of Domitian's government, as Eusebius and St. Jerome relate. From this period there are but twelve years to the tenth of Trajan, when St. Ignatius was carried to Rome to suffer martyrdom, and wrote another letter to the Church at Ephesus, in which he makes mention of Onesimus as their bishop, and puts them in mind of their duty to him."

The primate advances further, and affirms, "that St. Polycarp was bishop of Smyrna when St. John wrote to the angel of the Church of that city. Now, Irenæus, who reports this, was not only acquainted with St. Polycarp's successors in that see, but was present when that saint himself discoursed of his conversation with St. John, and related several remarkable things he had heard from those who had seen our blessed Saviour: Καὶ Πολύκαρπος, says Irenæus, δὲ οὐ μόνον ὑπὸ Ἀποστόλων μαθητευθεὶς, καὶ συναστραφεὶς, πολλοῖς τοῖς τὸν Χριστὸν ἑωρακόσιν, &c.: *i. e.* 'St. Polycarp was not only a disciple of the apostles, and conversed with many persons who had seen Jesus Christ, but was also ordained bishop of Smyrna by the apostles themselves. This St. Polycarp I saw myself when I was young, for he lived to a great age before his martyrdom.'"

Iren. lib. 3.
cap. 3. ad-
vers. Hæres.

¹ To this title *προεστῶς*, lexicographers suppose that the Latin word *præstes*, and the English word *priests* are allied in etymology and signification: the bishops seem to have been always priests, but not always presbyters.

The lord primate cites another testimony of St. Irenæus, to ^{CHARLES I.} prove the apostolical succession of the bishops of his time; and that they taught no other doctrine than what they received from those inspired missionaries. His words are these: “ ‘Habemus annumerare eos qui ab apostolis instituti sunt episcopi in Ecclesiis, et successores eorum usque ad nos; qui nihil tale docuerunt neque cognoverunt quale ab his deliratur.’ ” ^{Id. ibid.}

Tertullian's authority comes next. This learned Father, in his “Prescription against Heretics,” writes thus: “ ‘Sicut Smyrnæorum Ecclesia Polycarpum ab Johanne collocatum refert; sicut Romanorum Clementem a Petro ordinatum edit; perinde utique et cæteræ exhibent quos ab apostolis in episcopatum constitutos, apostolici seminis traduces habent.’ ” ^{De Prescrip. cap. 22.} As the records of the Church of Smyrna prove St. Polycarp their first bishop,—as the register and tradition of the Church of Rome make it appear that St. Clement was ordained bishop there by St. Peter,—so the rest of the Churches have authentic records to show what bishops were placed there by the apostles, to continue the succession, and propagate the faith, first delivered to the saints.”

And this may be sufficient to give the reader somewhat of an idea of the learned primate's performance.

To proceed: notwithstanding the king's passing the bills for putting down the courts of Star-chamber and High Commission, signing a restraint upon the council-board, and other large concessions,—notwithstanding, I say, he had thus remarkably lessened his prerogative,—the commons were preparing to entertain him at his return from Scotland with a large recital of grievances and mal-administration. This remonstrance was strongly contested in the house of commons. The debate lasted from three in the afternoon till three in the morning; and, after all this struggle, it was carried but by a few. In short, the members seemed tired, and overwatched into a compliance, which made them say the remonstrance looked like the “verdict of a starved jury.” I shall mention some part of this complaint which relates to the Church.

The remonstrance sets forth, that the promotion of all the mischiefs recited are,—

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Abp. Cant.

The commons in their remonstrance charge the bishops with innovations.

1. The Jesuited Papists, who hate the laws, and aim at the subversion of religion.

2. The bishops and corrupt part of the clergy, as they call them, are ranged in the second place. These ecclesiastics, they pretend, cherish formality and superstition, as the natural effects and most probable supports of their tyranny and usurpation.

3. Some counsellors and courtiers had, upon mercenary views, engaged themselves with these encroaching churchmen; that the business of this combination was to suppress the purity and power of religion, and those best affected to it, that they might remove the greatest obstacles to the change projected by them.

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That this faction of courtiers and churchmen, as these objectors will have it, countenanced the Arminian party in those points wherein they agree with the Papists; that they widen the difference between the common Protestants and those they call Puritans; and introduce such opinions and ceremonies as most tend to an accommodation with popery. And that their design was to increase ignorance and encourage liberty and profaneness in the people.

Rushworth's
Hist. Coll.
part 3.
p. 438.

They proceed to desire the king that the consciences of men may be unburthened of needless and superstitious ceremonies; that innovations may be suppressed, and the monuments of idolatry removed. And for the more effectual carrying on their intended reformation, they address for a general synod of the most grave, pious, and judicious divines of this island; that these churchmen may be assisted with some foreigners professing the same religion; that they may consider all things necessary for the peace and good government of the Church, and report the result of their debates to the parliament. That their resolutions being confirmed by the legislature, may be the better acquiesced in and obeyed.

Id. p. 450.

This expostulating address being presented to the king at Hampton-court, his majesty's answer, as to the Church part, is as follows. He observes their petition concerning religion consists of several branches; to all which he applies an answer. To give the reader his majesty's words.

¹ The pagination of the folio edition is again incorrect in this place; for convenience of reference, however, it is retained.

“We say, that for preserving the peace and safety of this kingdom from the design of the popish party, we have, and will still concur with all the just designs of our people, in a parliamentary way. That for the depriving of the bishops of their votes in parliament, we would have you consider, that their right is grounded upon the fundamental law of the kingdom, and constitution of parliament. This we would have you consider; but since you desire our concurrence herein in a parliamentary way, we will give no farther answer at this time.

CHARLES
1.
*The king's
answer.*

“As for the abridging of the inordinate power of the clergy, we conceive the taking away of the High Commission court hath well moderated that; but if there continue any usurpations or excesses in their jurisdictions, we therein neither have protected nor will protect them.

“Unto that clause which concerneth corruptions (as you style them) in religion, in Church government, and in discipline, and the removing of such unnecessary ceremonies as weak consciences might check at; that for any illegal innovations which may have crept in, we shall willingly concur in the removal of them. That if our parliament shall advise us to call a national synod, which may duly examine such ceremonies as give just cause of offence to any, we shall take it into consideration, and apply ourself to give due satisfaction therein; but we are very sorry to hear, in such general terms, corruption in religion objected, since we are persuaded in our conscience that no Church can be found upon the earth that professeth the true religion with more purity of doctrine than the Church of England doth, nor where the government and discipline are jointly more beautified, and free from superstition, than as they are here established by law; which, by the grace of God, we will with constancy maintain (while we live) in their purity and glory, not only against all invasions of popery, but also from the irreverence of those many schismatics and separatists, wherewith of late this kingdom and this city abounds, to the great dishonour and hazard both of Church and State; for the suppression of whom, we require your timely aid and active assistance.”

Rushworth's
Hist. Coll.
part. 3.
p. 442.
Biblioth.
Reg. sect. 4.
cap. 4.

The latter part of this answer disgusted the commons, who, notwithstanding this disappointment, resolved to follow their blow, till they had made themselves master of the enterprise.

LAUD,
Abp. Cant.

The bill for taking away the bishops' votes was brought in for another trial. And here the earl of Bristol appeared nobly in defence of the Church. He observed to the lords, "that according to the rules and custom of parliament, a bill once thrown out could not be brought in again the same session; that this was the case of the present bill; and therefore that the going upon it this session would be plainly breaking in upon the settled orders of parliament." This plea, since it could not be disproved, was overruled, and the house carried it for excluding the bishops. This rough expedient was the last remedy, and would have been waved, had the bishops been more resigned and flexible. To escape the odium of innovating thus remarkably upon the constitution, and discharging the first of the three estates from any share in the legislature, some endeavours had lately been used by the earl of Essex and the lord Kimbolton, to persuade the bishops to gratify the importunity of the commons, and give up their right of voting in parliament. To prevail with them for this session, they gave them an assurance that the temporal lords would be bound in honour to support them in all the essentials of their character. But the bishops had too much discretion and courage to betray their interest and throw up the peerage. But this business, though now in agitation, was not finished till two months forward. In the mean time, to succeed against this repulse, and batter the resolution of the lords spiritual, the apprentices were drawn down to Westminster, to assist the faction and overawe the honest party. These auxiliaries came to the parliament doors in great bodies, and cried, "No bishops!" And for a farther reinforcement, petitions to the houses came up from several counties, setting forth, that the bishops were a common nuisance; that the decay of trade, the clogging and disappointing of all business in parliament, was occasioned by the bishops. From hence they advanced to downright railing and insulting their persons, and throwing stones at them, so that they could not come to the lords' house, either by land or water, without apparent hazard of their lives. The rabble, thus fleshed and encouraged, made their next assault on Westminster abbey; some of them spake out, their design was to pull down the organs and deface the monuments. Archbishop Williams, to prevent this horrible ravage, and secure the regalia from being seized, made fast the doors, and maintained the abbey against

*The bishops
insulted by
the rabble in
going to
the parliament-house.*

them. However, the reforming mob pressed on, and endeavoured to force their entrance ; but were beaten off with stones from the leads by the scholars, the choir, and the officers. And in this skirmish one sir — Wiseman, a Kentish knight, who headed the rabble, was killed by a tile from the battlements. But the assailants being not yet broken, some of the archbishop's retinue sallied out, and with sword in hand forced them to retire and disperse.

CHARLES

I.

The houses taking no notice of this outrage, the tumult continuing in the same frenzy and numbers, and the bishops going to the parliament being altogether impracticable, they met at the dean of Westminster's lodgings, and subscribed a protestation for preserving their right of sitting in parliament. It was drawn up by archbishop Williams in the form of a petition, and was to be presented to his majesty in the house of peers. Five of the sees being vacant, and some of the bishops gone into the country, it was signed only by twelve ; viz., the archbishop of York, the bishops of Durham, Lichfield, Norwich, St. Asaph, Bath and Wells, Hereford, Oxford, Ely, Gloucester, Peterborough, and Landaff. The protesting petition stands thus :—

S18.

“Whereas the petitioners are called up by several and respective writs, and under great penalties, to attend the parliament, and have a clear and indubitable right to vote in bills and other matters whatsoever debatable in parliament by the ancient customs, laws and statutes of this realm, and ought to be protected by your majesty quietly to attend and prosecute that great service. They humbly remonstrate and protest before God, your Majesty, and the noble lords and peers now assembled in parliament ; that as they have an indubitable right to sit and vote in the house of lords : so are they, if they may be protected from force and violence, most willing and ready to perform their duties accordingly. And that they do abominate all actions or opinions tending to popery or the maintenance thereof, as also all propension and inclination to any malignant party, or any other side or party whatsoever ; to the which their own reason and conscience shall not move them to adhere. But whereas they have been at several times violently menaced, affronted, and assaulted by multitudes of people in their coming to perform their services

Their petition and protestation.

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Abp. Cant.

in that honourable house, and lately chased away and put in danger of their lives, and can find no redress or protection upon sundry complaints, made to both houses in these particulars; they humbly protest before your majesty, and the noble house of peers, that saving unto themselves all their rights, and interests of sitting and voting in that house at other times, they dare not sit or vote in the house of peers, until your majesty shall farther secure them from all affronts, indignities, and dangers in the premises. Lastly, whereas their fears are not built upon conceits, but upon such grounds and objects as may well terrify men of good resolutions and much constancy, they do in all humility and duty protest before your majesty, and the peers of the most honourable house of parliament, against all laws, orders, votes, resolutions and determinations, as in themselves null and of none effect, which in their absence, since the 27th of this instant month of December, 29. of December, 1641, have already passed: as likewise against all such as shall hereafter pass in that most honourable house, during the time of their forced and violent absence from the said most honourable house. Not denying but if their absenting of themselves were wilful and voluntary, that most honourable house might proceed in all their premises, their absence or this protestation notwithstanding. And humbly beseeching your most excellent majesty to command the clerk of the house of peers, to enter this their petition and protestation among his records,

They will ever pray God to bless, &c.

Hacket's
Life of
Archbishop
Williams.
Rushworth.

*The bishops'
protestation
defended.
See Bp. Hall's Har-
assment.*

This protestation was put into the lord keeper Littleton's hand, but not to be read till the king, at the bishops' instance, came into the house of peers. But the lord keeper, contrary to direction, communicated the petition to some unfriendly members of both houses, before the time. This lord keeper, it is said, had made himself obnoxious to the censure of parliament, by some stretches in his management. And therefore, as it is thought, he struck in against this protestation to purchase an indemnity, and cover himself: for immediately upon the reading the paper in the upper house, the anti-episcopal lords desired a conference with the commons. In short, the bishops' petition being put into their hands, the lord keeper declared the "protestation contained matters of high and

Rushworth.

dangerous consequence, and intrenched upon the fundamental privileges and being of the parliament." But which way can this charge be made out? The bishops, as has already been proved, are one of the three estates, and by consequence, essential to the legislature. Since therefore they had been so outrageously insulted, since the violence was not removed, nor any protection afforded upon their complaint to both houses; what could they do less, than appear with their protest for securing their right? If the temporal lords or commons had been under the same menacing and danger, and had moved for redress to no purpose; they would, we may reasonably believe, have made the same remonstrance. And since the lords spiritual are equally a third estate with the other two, why should they not have the same liberty to guard their privilege? Besides, the bishops declared the nullity of what passed during their absence, no longer than the force was upon them, no longer than their coming to parliament continued impracticable: and therefore their remonstrating against the legality of what passed in their absence, was by no means claiming a negative vote like the king. It is farther objected, that the bishops desiring the king to command the clerk of the house to enter their protestation upon record, was derogatory to the rights of parliament. But to warrant their proceeding in this manner, the bishops have a clear precedent in the reign of king Richard II.

CHARLES
I.

Lord Clarendon's
Hist. of the
Rebellion.
vol. 1.
p. 334.

The case was this: Courtney, archbishop of Canterbury, foresaw some peers were likely to be tried for their lives in parliament; and knew the bishops were barred by the canons from concerning themselves in cases of blood; upon this prospect he presented a protestation in his own name, and the rest of the lords spiritual, for asserting their peerage, and saving their rights and interest in parliament: and at the delivering this instrument, he desired the king it might be entered upon the parliament rolls, which was done accordingly.

See the first
vol. of this
History.

Secondly, it was objected farther, that the nulling of all laws made at that time, when Ireland was in danger, was a sort of conspiring with the rebels to destroy that kingdom. To this it may be answered, that if the bishops had a right to protest in this manner, the inconveniences consequent upon their using it, can amount to no crime: for what fault can it be for a man to make use of the privilege the law allows

LAUD,
Abp. Cant.

him? Besides, when the passage was open and undisturbed to the parliament house, as it was when the petition was read; for then the bishop of Winchester and some other prelates appeared there: when things were thus somewhat quieted, the bishops recalled their protestations, and desired both houses to accept their revocation.

Hackett.

819.

Lord Clarendon.
Hist. Coll.
part. 3.
p. 467.

Jovis 30.
Dec. 1641.
*The bishops
impeached,
and sent to
the Tower.*

*See Top Hall's Hand-
book.*

But the commons resolved to seize the opportunity, and make use of the pretended advantage. Thus, within half an hour after the instrument was put into their hands, they sent up to the lords, and, without farther debate, impeached the twelve bishops who signed the protestation of high treason. This charge being carried to the upper house by Mr. Glyn, the black rod was immediately ordered to go in search of the bishops, and bring them forthwith before the lords in parliament. They were brought to the bar that evening accordingly. Upon which an order passed in these words: "That the lord archbishop of York, his grace the lord bishop of Durham, the lord bishop of Norwich, the lord bishop of St. Asaph, &c., being charged of high treason by the house of commons, shall forthwith stand committed to the prison of the Tower, until the pleasure of this house be farther known." But, by an order of the same day, the bishops of Durham and Coventry and Lichfield, in regard of their age and ill health, had the favour of being remitted to the custody of the gentleman-usher. The bishops committed had some time given to put in their answer; and, at their request, the lords ordered Mr. Lane, the prince's attorney; sir Thomas Gardiner, knight, recorder of London; John Hearne, Chaloner Chuite, John Fountain, Matthew Hales, and Arthur Trevor, to be of counsel for them. The lord Clarendon, notwithstanding his surprise at the rigour of this usage,—notwithstanding he objects nothing against the legality of this protestation,—notwithstanding he believes "a violence offered to the freedom of any one member is a violation to all the rest," and makes all their acts as "void and null as if they were locked in and kept without meat till they altered their judgments,"—notwithstanding this fair length of concession, he censures the protestation as "proceeding from a transport of passion in archbishop Williams;" and that the other eleven were ill advised in going into these measures, and suffering themselves to be "precipitated to so hasty a resolution." But, with due

1d.

regard to this noble historian, the bishops' conduct seems CHARLES
I. fairly defensible. Had they done less, they had fallen short of that fortitude which might justly be expected from them: for, since their going to the house was utterly impracticable,—since their complaint to the lords and commons had been disregarded,—which way could they maintain their station, and secure their peerage, but by entering their protestation? To hope for either favour or justice at this juncture was too sanguine an expectation; they had reason to conclude the “root-and-branch work” would certainly go forward; and, therefore, to have been silent under such outrage would have been unseasonable caution, and looked like cowardice. When the prospect is thus menacing, and a man is almost certain to be undone, the most creditable expedient is to spend himself in a blaze, and flash to the last grain of powder. To go out in smoke and smoulder is but a mean way of coming to nothing: to creep and crawl to a misfortune, is to suffer like an insect. A man ought to fall with dignity and honour, and keep his mind erect, though his fortune happens to be crushed¹. This was the bishops' case and meaning: they were willing to save their privilege and support their character; and, for making so handsome a retreat, they seem to have obliged their memory, and ought to stand commended upon record. About a fortnight after their commitment, they were severally brought to the bar of the lords' house, and put in their answers to the impeachment in the following form:—

“I, ———, bishop of such a place, saving to myself all advantages of exception to the insufficiency of the said impeachment, for myself say, that I am not guilty of the treason charged by the said impeachment, in manner and form as the same is therein charged.”

Id. p. 497.

After this answer, the bishops petitioned the house of lords for trial or bail. Upon which the lords assigned them the 25th of January for their trial, but remanded them in the mean time to their former confinement, where they continued till the beginning of May the next year, at which time, without making any application to the commons, the lords admitted them to bail. In short, they lived where they pleased, without

*The bishops
bailed, but
never
brought to
any trial.*

¹ This passage is a first-rate specimen of Collier's terse and pointed style.

LAUD,
Abp. Cant.

ever being called upon for their trial, which is another clear evidence they had done nothing unwarrantable by law: for, had they been any ways obnoxious, their enemies would not have failed in the prosecution. And here, Wren, bishop of Ely, had harder fortune than the rest: for, some few months after his enlargement, he was seized by a party of soldiers, at his house at Dunham near Ely, and carried back to the Tower, where he continued till the end of the year 1659, without any charge brought against him.

Cyprian.
Anglic.
Nelson,
Collect.
Id.

And now the ferment began to boil over, the mask was laid aside, and the faction appeared more in their colours. For instance, petitions from the counties of Sussex and Essex, of Oxford, Lincoln, and Northampton, were delivered to the house of commons, praying that the popish lords and bishops' votes might be taken away. This bill, already mentioned, against the bishops, passed the houses in the beginning of February. And here it was thought the king would have made a stand, and refused his assent. His majesty's first answer was, that the passing this bill was a matter of great concernment, and therefore he would take time for consideration. His delay, though a farther answer was promised, was looked on as a denial; and the prevailing members, being conscious their reformation in Church and State would be clogged unless the bishops were excluded, sent the same day to the king, then at Windsor, to press for his consent. Their reasons were, "that the subjects suffered by the bishops exercising temporal jurisdiction and making a party in the lords' house; that general satisfaction and a happy conjunction of both houses would be consequent upon the bishops being excluded; and, lastly, that the signing this bill would be a comfortable pledge of his majesty's gracious assent to the future remedies of those evils which were to be presented to him."

Lord Cla-
rendon.

This message from the parliament was seconded by those of greatest trust about the king, who, notwithstanding they wished well to his majesty's affairs, seem to have been unacquainted with the constitution, and not to have looked through the designs on foot. These courtiers suggested, that the passing this bill was the only way to preserve the Church; that the combination against the bishops, in this particular, was irresistible; that, provided the houses were satisfied in this point, they would acquiesce; but that the crossing this humour would

drive them to extremities, make them attempt the extirpation of episcopacy, and demolish the whole fabric of the Church. CHARLES
1.
820.
They represented farther, that the passing this bill might prevail with the parliament to lay down their importunity for another of much worse consequence to the crown; and that was a bill for modelling and disposing the militia at the direction of the two houses. These arguments, though urged by those the king thought friends to the Church of England, would never, it is probable, have prevailed with his majesty, had not the queen solicited to the same purpose. This princess was made to believe her preservation depended upon the king's consent to the bill; that, in case his majesty refused it, her journey into Holland would be stopped, and her person possibly endangered either by the mutineers at London or the insurrection of the country in her passage to Dover; whereas the using her interest with the king would lay a popular obligation upon the kingdom, and make her acceptable to the parliament. These discourses proving persuasive with the queen, she made use of her ascendant, and wrested the king's resolution from him; so that, in short, he signed the bill at Canterbury, whither he accompanied the queen in her voyage to Holland. To give the reader the act: the preamble begins thus:—

*The king
at last pre-
vailed with
to pass the
bill.*

“Whereas bishops, and other persons in holy orders, ought not to be entangled with secular jurisdiction (the office of the ministry being of such great importance, that it will take up the whole man). And for that it is found, by long experience, that their intermeddling with secular jurisdictions hath occasioned great mischiefs and scandal, both to Church and State: his majesty, out of his religious care of the Church, and souls of his people, is graciously pleased that it be enacted, and by authority of this present parliament be it enacted, that no archbishop or bishop, or other person that now is, or hereafter shall be in holy orders, shall at any time after the fifteenth day of February, in the year of our Lord one thousand six hundred and forty-one, have any seat or place, suffrage or voice, or use or execute any power or authority in the parliaments of this realm; nor shall be of the privy-council of his majesty, his heirs or successors, or justice of the peace of oyer and terminer, or goal-delivery, or execute any temporal authority by virtue of any commission, but shall be wholly disabled;

LAUD,
Abp. Cant.

and be incapable to have, receive, use, or execute any of the said offices, places, powers, authorities, and things aforesaid.

“ And be it further enacted, by the authority aforesaid, that all acts from and after the said fifteenth of February, which shall be done or executed by any archbishop or bishop, or other person whatsoever in holy orders, and all and every suffrage or voice, given or delivered by them, or any of them ; or other thing done by them, or any of them, contrary to the purport and true meaning of this present act, shall be utterly void to all intents, constructions, and purposes.”

Scobel's
Collect. of
Acts,
17 Charles 1.
cap. 28.

That there is nothing of cogency in this preamble, either as to reasoning or fact, is sufficiently evident from what has been observed upon this head in the foregoing part of this history. But the king giving way to unreasonable demands, encouraged the party to farther importunities, disserved his character, and weakened his interest. His majesty was afterwards sensible it was a wrong step, and repented his compliance ; as appears by a passage in one of his prayers. “ Was it,” says he, “ through ignorance that I suffered innocent blood to be spilled, through a false pretended justice ? or that I permitted a wrong way of worship to be set up in Scotland ? or injured the bishops in England ? ” From hence the inference is, that the injury done to the bishops in England, lay little less heavy upon the king's conscience, than the other two remarkable instances of human frailty ¹.

Εἰκὼν
Βασιλ.
p. 263.

*Random
reports of
the bishops'
mismanage-
ment.*

At this time, when libels and calumny had free course, there was great clamouring against the bishops' conduct. They were charged with laying aside the use of confirmation : that they had wholly neglected the duty of preaching, under pretence of being more at leisure for the governing part of their function : and that even in this they managed to insignificancy, and transferred their jurisdiction upon their chancellors, and under officers. That none of them used to sit in their consistories for hearing complaints, or doing justice either to clergy or laity : but turned over the people to registers, proctors, and apparitors, who drew their money from them against equity and law, and used them almost at discretion. That few or none of them made their visitations in person : thus the

¹ That Charles was the author of the “ Eikon Basilike ” is still asserted by respectable writers ; but the majority of critics deny the supposition.

greatest part of the clergy and the bishops were strangers to each other; that this was a discouragement to godly and painful ministers, and countenanced those who were irregular. That few of them living in their episcopal cities, the poor were disappointed of the relief, and the better sort of the hospitality, they had reason to expect; and that by this absence Divine service was hurried, and ill-performed in the cathedrals, for want of the bishop's presence and inspection. That instead of giving orders at the mother-church, they made use of the chapels of their private houses, or some obscure country churches; not requiring the assistance of their deans and chapters upon such solemn occasions, as they ought to do: that they exerted the censures of deprivation and degradation in too monarchical and arbitrary a manner; not calling in the deans and chapters for any share in the administration: and that, by this absolute method of governing, they had made those capitular bodies in a manner useless. And lastly, since they did nothing upon the matter but receive their rents, indulge their ease, consult their grandeur, and lord it over the rest of their brethren, the best way was to discharge their function, and turn their estates to more serviceable uses.

This was the substance of what was objected by some secular men of condition, and industriously spread among the common people. That a great part of this charge was swelled beyond truth, need not be questioned: but, supposing the whole had been matter of fact, the inference was quite wrong; for there is no reason an office should suffer for personal miscarriage: that corporations should be dissolved, and apostolical institutions set aside for the faults of particular men. To turn people out of their estates without proving them guilty of any legal forfeiture, and merely because they do not spend them as religion directs, would make wild work: this reasoning, if urged home, I say, would carry to unintelligible justice, and make a strange revolution in the fortune of the laity.

As the hierarchy had a great many enemies, so there were some friends who stood in the breach, and endeavoured to repel the attack. Besides archbishop Usher, already mentioned, the bishop of Exeter appeared in print for the cause. This prelate presented an humble remonstrance to the parliament in behalf of the liturgy and episcopacy. His tract was quickly undertaken by a book, entitled "The Original of Liturgy and Episcopacy discussed." This answer, furnished by a club of

CHARLES
I.

821.

*Several
tracts published
for
and against
episcopacy.*

LAUD,
Abp. Cant.

five Presbyterian ministers, had “Smectymnuus”¹ standing for the author : this word taking in the initial letters of the Christian and surnames of the five ministers. Their answer received a vindication from the bishop, to which “Smectymnuus” published a rejoinder. During this combat, while the bishops and the faction were drawing their pens upon each other, sir Thomas Ashton, knight and baronet, printed a discourse in two parts : the first was entitled, “A Survey of the Inconveniences of the Presbyterian Discipline, and the inconsistencies thereof with the Constitution of this State.” His second part is called, “The Original Institution, Succession, and Jurisdiction of the Ancient and Venerable Order of Bishops.” This performance was quickly supported by “The History of Episcopacy,” under the name of Theophilus Churchman : and to mention some other tracts upon the same argument, though a little distant in time. The next year Dr. Taylor’s “Episcopacy Asserted,” and the “Aeriomastix” of John Theyer, appeared in print. To which may be added several petitions to the king and parliament : but of this more afterwards.

*The vacant
sees filled.*

Before we take leave of this year, it may not be improper to mention the vacancies which happened in several sees. For instance ; Neile, archbishop of York, died some few days before the meeting of this parliament : Montague, of Norwich ; Bancroft, of Oxford ; Davenant, of Salisbury ; Potter, of Carlisle : and Thornborough, of Worcester ; survived Neile but a few months. These sees were filled by preferring Williams, as has been observed, to the archbishopric of York ; Winnif, dean of St. Paul’s, was made bishop of Lincoln ; Duppa was translated from Chichester to Salisbury ; and King, dean of Rochester, was promoted to the see of Chichester ; Hall, bishop of Exeter, to Norwich ; and Brownrig, master of Catherine-hall, in Cambridge, to Exeter ; Skinner, of Bristol, was removed to Oxon ; and Westfield, archdeacon of St. Alban’s, promoted to Bristol ; the bishopric of Carlisle was given in commendam to the primate of Ireland, during the commotions in that kingdom ; and the see of Worcester was filled with Prideaux. These divines were all of them persons of learning and distinction, and stood well in the opinion of the generality. After this, there were no more changes until the

¹ The word “Smectymnuus” is formed from the initial letters of the following names : Stephen Marshall, Edmund Calamy, Thomas Young, Matthew Newcomen, and William Spurstow.—Vide Symmons’s Life of Milton.

abolition of episcopacy by an ordinance of the two houses in the year 1646. There were no more changes, I say, excepting that Frewen, dean of Gloucester, and president of St. Mary Magdalen-college, in Oxon, was consecrated bishop of Coventry and Lichfield, upon the death of Wright, in the beginning of the year 1644; and Howell, prebendary of Windsor, was promoted to the bishopric of Bristol, upon the death of Westfield, before the end of the same year.

The king, forced by tumults from Whitehall, went into Yorkshire, and prepared for defence. During his stay in this country the remarkable nineteen propositions were sent him by the two houses: eight of these propositions relating to the Church, desired "that his majesty would be pleased to consent to such a reformation of the Church government and liturgy as both houses of parliament should advise; and that for this purpose they intended to consult with divines, as was expressed in their declaration." It was likewise desired "that his majesty would contribute his best assistance for raising a sufficient maintenance for preaching ministers throughout the kingdom; and that he would be pleased to give his consent to laws for taking away innovations, and superstitions, and pluralities, and against scandalous ministers."

A.D. 1642.
The king retires into Yorkshire, where he receives the nineteen propositions.

For satisfaction to this demand, the king repeated his answer to their remonstrance, already mentioned; and after this, put them in mind of part of his message sent them on the 14th of February, when he passed the bill for taking away the bishops' votes in parliament. The passage was this: "that his majesty had observed great and different troubles to arise in the hearts of his people concerning the liturgy and government of the Church; and that therefore he was willing to refer the whole consideration to the wisdom of his parliament, which he desired them to enter into speedily, that the present distractions about the same might be composed; that he desired not to be pressed to any single act on his part, till the whole was so digested and settled by both houses, that he might clearly see what was fit to be left, as well as what was fit to be taken away."

Husband's Exact Coll. p. 309.
His majesty's answer to the eight propositions.

Id. p. 329.

To this his majesty adds, "that he had the better hopes of a good issue, to the general satisfaction of his people; because they seemed, in their proposition, to desire only a reformation, and not a destruction of the present discipline and liturgy;

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Abp. Cant.

though for a year and a half last past, nothing less than a total suppression of the ecclesiastical establishment had been preached in the conventicles throughout the kingdom." His majesty continues, "he should most cheerfully give his assistance for settling a sufficient maintenance on preaching ministers in such a manner as might be most for the encouragement of piety and learning: as to the bills and consultation they mentioned, he knew nothing of the matter of the one, nor the manner of the other, excepting by common fame, to which he gave little credit; and wished his subjects believed reports no faster than himself. Having therefore received nothing certain on these heads, he could return no answer."

Cyprian.
Anglic.
p. 505.

*Petitions in
behalf of
episcopacy
and the
Common
Prayer.*

It has been already hinted that not a few petitions were presented from several counties to the king and both houses, in behalf of the Church establishment: some belong to the last, and some to the present year. To begin with the county of Rutland; where, in their petition to the high and honourable court of parliament, they argue in defence of episcopacy. To mention some of their considerations, as they call them:—

*The petition
of the county
of Rutland
in behalf of
the Church.*

"We consider," say they, "whether there can be a Church or not without bishops: this very important question is maintained in the negative by apostolical men, by primitive martyrs, and by the greatest part of Christendom; and that those few of a different opinion are most certainly not infallible. Since, therefore, so great a majority of Christendom, both with respect to time and place, declare for the necessity of episcopacy, it is much safest to retain that government, for fear we separate from the Church, the pillar and ground of truth."

The petition observes—

822.

"Secondly, That no ordination was ever performed without a bishop; and if any presbyter gave imposition of hands for this purpose, unless in conjunction with the bishop, he was reckoned an usurper by public and unquestionable authority." From hence their inference is, "that without bishops there can be no presbyters, and by consequence no absolution, no consecration of the sacrament of the Lord's Supper, and that it is impossible to give an equivalent for these defects by any compensation whatsoever.

"Thirdly. Imposition of hands has never been the custom for presbyters or priests, upon bishops. From hence the dis-

parity of their function is evident, and that a bishop has a CHARLES character which cannot be communicated but by one of the ^{I.} same distinction.

“Fourthly. Without bishops, confirmation, called in Scripture imposition of hands, must be impracticable; and, which ought to be observed, St. Paul reckons confirmation a fundamental point. The Church has always used it, and made it a peculiar branch of the episcopal function. And to justify this practice, we have the example of the apostles in the case of the Christians of Samaria, converted by the evangelist St. Philip.” Heb. vi.
Acts viii. 17.

This petition urges several other arguments from the laws of the realm, from the interest of learning, and from the late protestation recommended to the kingdom by the house of commons; that by this engagement they had tied themselves to maintain the established doctrine of the Church of England. And here they very pertinently urge, that the thirty-sixth article of our Church approves and confirms the ordinal for consecration of bishops; and therefore, unless they appeared in behalf of episcopacy, they should fail in adhering to their late solemn protestation. This petition was signed by eight hundred of the gentry and freeholders, not reckoning the clergy within the number.

About a month after, the county of Huntingdon petitioned the lords and commons to the same purpose. Farther, the address to the parliament from Somersetshire, in behalf of episcopacy and the liturgy, was signed by knights, esquires, divines, gentlemen, freeholders, all Protestants, to the number of fourteen thousand three hundred and fifty. The Cheshire address, delivered to the house of lords in behalf of the present form of Church government, was subscribed by four noblemen; baronets, knights, and esquires, four score and upwards; divines, three score and ten; gentlemen, above three hundred; freeholders and other inhabitants, above six thousand. Nelson's
Impartial
Collect. &c.
Nov. 18,
1641.
Id. p. 720.
More petitions of this kind.
Id. p. 726.
Dec. 10,
1647.
Id. p. 739.

To this I shall subjoin the petition of the diocese of Canterbury; it is particularly remarkable, and sets forth,—

“That, notwithstanding this kingdom hath, by the singular providence of Almighty God, for many years last past, happily flourished above all other nations in the Christian world, under the religion and government by law established; yet hath it

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Abp. Cant.

been of late most miserably distracted, through the sinister practices of some private persons ill affected to them both; by whose means the present government is disgraced and traduced, the houses of God profaned, and in part defaced, the ministers of God are contemned and despised, the ornaments and many utensils of the Church are abused, the Liturgy and Book of Common Prayer depraved and neglected, that absolute model of prayer, the Lord's Prayer, vilified, the sacraments of the Gospel in some places rudely administered, in other places omitted, solemn days of fasting observed and appointed by private persons, marriages illegally solemnized, burials uncharitably performed, and the very fundamentals of religion subverted by the publication of a new creed, and teaching the abrogation of the moral law. For which purpose many offensive sermons are preached, and many impious pamphlets printed. And in contemning of authority many do what seemeth good in their own eyes only, as if there was no king nor government in this our Israel; whereby God is highly provoked, his sacred majesty dishonoured, the peace of the kingdom endangered, the consciences of the people disquieted, the ministers of God's word disheartened, and the enemies of the Church emboldened in their enterprise."

Collect. of
Petitions,
p. 45.

This petition was signed by twenty-four knights and baronets; esquires and gentlemen, not reckoning divines, above three hundred; to which may be added, eight hundred freeholders and subsidy-men. Besides these, the counties of Cornwall and Devonshire, of Nottingham, Stafford, Lancaster, Oxford, and Hereford, and one county in North Wales, addressed for the continuance of the Church establishment. All these petitioners, who were persons of condition and substance, amounting to near fifty thousand. And upon this occasion the lord Faulkland observed to the house, that the strength of the Church party was not barely to be compared by the list of subscribers, there being vast numbers of the same sentiment who chose to lie by, "as being secure in the goodness of the laws, and the wisdom of the law-makers; and that it was not usual to petition for what men have, but for what they have not."

Cyprian.
Anglic.
*The rebellion
breaks out.*

And now, the two houses having seized the magazines and places of strength, the war opened and the rebellion flamed

out. And after several skirmishes, the parliament forces CHARLES I. fought the king with some disadvantage at Edgehill. Immediately after this battle, the king took Banbury castle, marched towards London as far as Brentford, and, after some successes, countermarched to Oxford for winter quarters. Before the king took the field again, some propositions for accommodation were sent him from the members at Westminster. One of the articles was,—

“That his majesty would be pleased to give his royal assent *Proposition the fourth.* for taking away superstitious innovations, and sign the bill for the utter abolishing and taking away all archbishops and bishops, their chancellors and commissaries, deans, sub-deans, deans and chapters, archdeacons, canons, and prebendaries, and all chantors, chancellors, treasurers, sub-treasurers, succentors and sacrists, and all vicars choral and choristers, old vicars or new vicars of any cathedral or college-church, and all other their under officers out of the Church of England.” They likewise desired “his majesty’s assent to the bill against scandalous ministers; to the bill against pluralities; and to the bill for consultation with godly, religious, and learned divines; that his majesty would be pleased to pass such other Feb. 2, A.D. 1642-3. bills for settling of Church government as, upon consultation with the assembly of the said divines, shall be resolved on by both houses of parliament, and by them to be presented to his majesty.”

The settling this article was referred to the following treaty at Oxford. But here the king found the parliament commissioners so bound up to their instructions, and straitened in time, that the coming to any good understanding was utterly impracticable.

But notwithstanding the two houses had no concession from the king to warrant their proceedings, they passed an ordinance to sequester the bishops’ and other delinquents’ estates. *An ordinance for sequestering the bishops and other delinquents’ estates.* By delinquents, they meant those who declared for the king, and refused to join the rebellion. Thus the rents and profits 823. of the sees and capitular bodies, which lay within the reach of the parliament army, were seized, and the rest of the loyal clergy were sequestered under the character of scandalous ministers. And now most of the silenced lecturers and other preachers, who within the last ten years had left the kingdom, either for nonconformity, debt, or intemperate behaviour,

Scobell’s Collect. of Acts and Ordinances, &c. fol. 37.

LAUD,
Abp. Cant.

returned at the invitation of the juncture. These men were preferred to the sequestered benefices; but then, to keep them servile and true to the cause, they were but, as it were, "tenants at will," and held their livings only *durante bene placito*.

The king, acquainted with this oppression and these illegal proceedings, published his proclamation against them.

May 15,
1643.
*The king's
proclamation
against
it.*

"His majesty takes notice in the first place, that several of the clergy eminent for their piety and learning, were forced from their cures and habitations, or otherwise silenced and prohibited the exercise of their function, for no other reason but because they would not break the laws, and act counter to their consciences, because they would not pray against him and his assistants, because they refused the publishing illegal commands and orders, for fomenting the unnatural war raised against him. That these unexceptionable clergy, being thus turned out of their livings, many factious and schismatical persons intruded upon them: that these men made it their business to sow sedition, and draw his majesty's good subjects from their obedience, contrary to the word of God, and the laws of the land: that the intruders had an assignment of part of the profits of the said benefices, and that the rest was converted to the supporting the war against him: that therefore his majesty straitly commands all his good subjects to desist from such illegal courses against any of the clergy aforesaid, and to pay their tithes to their respective incumbents, or their assigns, without fraud, notwithstanding any sequestration, pretended ordinances or orders whatsoever, from one or both houses of parliament. And this they were to do under the penalty of being apprehended and proceeded against according to law, and of having their lands and goods in the mean time seized and sequestered."

Biblioth.
Reg. pt. 1.
sect. 4.
p. 325.

This proclamation, though it showed his majesty's care to protect the loyal clergy, had no effect to stop the persecution. And that they might seem to deserve what they suffered, a lewd pamphlet, licensed by White, chairman of the committee for religion, was published, under the title of "The First Century of scandalous and malignant Priests," &c. The royalists offered to return the reproach with much more force upon the

Puritan party, but the king, who thought common Christianity ^{CHARLES I.} might suffer in the contest, refused to give leave for such an undertaking.

Besides their attacking the hierarchy in their reputation, the two houses played a more effectual battery against the Church, and executed their design, already mentioned, of consulting godly, religious, and learned divines. For this purpose they did not think fit to wait his majesty's pleasure, but upon the return of their commissioners, from Oxford, convened an assembly by their own authority. The convocation, though summoned by the king's writ, was not sitting: the times were too much disturbed, and the place too much in the enemy's power for that business. Neither were the two houses willing to venture their cause with such a regular body. They were so far from resting the matter upon that foot, that they refused to refer the choice of their assembly men to the beneficed clergy, according to the customary methods of provincial synods. This power of electing, they reserved to themselves, and gave the nomination to the knights of shires: for we are to observe, these assembly men were not chosen as formerly, with regard to the diocesan divisions, but two or more out of each county, the whole number amounting to a hundred and twenty. To give this extraordinary meeting the face of authority, an ordinance was passed in form by the lords and commons: the preamble setting forth the occasion, runs thus:

“Whereas among the infinite blessings of Almighty God upon this nation, none is or can be more dear unto us, than the purity of our religion; and for that as yet many things remain in the liturgy, discipline, and government of the Church, which do necessarily require a further and more perfect reformation than as yet hath been attained: and whereas it hath been declared and resolved by the lords and commons assembled in parliament, that the present Church government by archbishops, bishops, their chancellors, commissaries, deans and chapters, archdeacons, and other ecclesiastical officers depending upon the hierarchy, is evil, and justly offensive and burthensome to the kingdom, a great impediment to reformation and growth of religion, and very prejudicial to the state and government of this kingdom, and that therefore they are resolved that the same shall be taken

An ordinance for convening the assembly of divines.

LAUD,
Abp. Cant.

away, and that such a government shall be settled in the Church as may be most agreeable to God's holy word, and most apt to procure and preserve the peace of the Church at home, and nearer agreement with the Church of Scotland, and other reformed churches abroad: and for the better effecting hereof, and for the vindicating and clearing of the doctrine of the Church of England from all false calumnies and aspersions, it is thought fit and necessary to call an assembly of learned, godly, and judicious divines, to consult and advise of such matters and things touching the premises as shall be proposed unto them by both or either of the houses of parliament, and to give their advice and counsel therein to both or either of the said houses, when, and as often as they shall be thereunto required."

June 12,
1643.

*The members
of this meeting.*

Those who stand foremost in the list of these learned and godly divines, are Algernon earl of Northumberland, William earl of Bedford, Philip earl of Pembroke and Montgomery, William earl of Salisbury, Henry earl of Holland, Edward earl of Manchester, William lord viscount Say and Sele, Edward lord viscount Conway, Philip lord Wharton, Edward lord Howard, of Escrick; the next are Selden, Rows, Prideaux, both the sir Henry Vanes, Pym, sir John Clottworthy, Maynard, Bulstrode Whitlock, and several other members of the lower house.

824.

Those of the assembly who were in orders, or pretended to be so, may be ranged under three divisions. The episcopal men were James Usher, primate of Ireland, Brownrig, bishop of Exeter, Westfield, bishop of Bristol, Dr. Featly, Dr. Holdsworth, &c.

The chief of the Presbyterian party were these following:—

Scobell's
Collect. of
Acts, &c.
Rushworth,
part 3.

Dr. Hoyle, divinity professor in Ireland.

CAMBRIDGE.

Dr. Gouge, of Blackfriars.
Dr. Smith, of Barkway.
Oliver Bowles.
Thomas Gataker.
Henry Scudder.
Anthony Tuckneirs.

OXFORD.

Dr. William Twisse.
Dr. Cornelius Burgess.
Dr. — Stanton.
Mr. White, of Dorchester.
Mr. Harris, of Hanwell.
Edward Reynolds.

Stephen Marshall.
 John Arrowsmith.
 Herbert Palmer.
 Thomas Thoroughgood.
 Thomas Hill.
 Nathaniel Hodges.
 Mr. Gibbons.
 Timothy Young.
 Richard Vines.
 Thomas Coleman.
 Mathew Newcomen.
 Jeremiah Whitaker, &c.

Charles Herl.
 Mr. Corbett, of Merton college. CHARLES
I.
 Mr. Conant.
 Francis Cheinell.
 Obadiah Sedgewick.
 Mr. Carter, senior.
 Mr. Carter, junior.
 Joseph Caryll.
 Mr. Strickland, &c.

The third division consisted of those who had lately transported themselves to Holland, to avoid the penalty of nonconformity. These dissented from the assembly in several things, and at last settled in independency. Amongst this number we may reckon, Thomas Goodwin, Sidrach Sympson, Philip Nye, &c.

By virtue of the ordinance, these assembly-men were to meet at Westminster, in king Henry VII.'s chapel. Any forty of them, clergy or lay, are declared a sufficient number, and empowered to act. They were to consult and debate matters relating to the liturgy, discipline, and government of the Church of England, and to vindicate the doctrinal part from all such misconstructions as shall be proposed to them by either or both houses of parliament. They were to deliver their opinions concerning these matters, in such manner as shall be required by either or both of the said houses, and not to divulge their resolutions, by printing, writing, or otherwise, without the consent of either or both houses. Dr. Twisse was constituted their prolocutor; and in case he happened to die, or was otherwise disabled, his successor was to be chosen by both houses of parliament. And provided any disagreement fell out amongst the members of the assembly, the parties were to represent the reasons of their different opinions to either or both houses of parliament, that such farther direction might be given them as the occasion required.

And to encourage their business, the ordinance allows them four shillings a day, and secures them against the forfeitures of non-residence. Farther, the assembly was to be dissolved at

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Abp. Cant.

the direction of both houses of parliament ; and in case any of the members died before such dissolution, the two houses were to nominate the persons for supplying the places of those deceased. And lastly, it is provided, that this assembly shall not exercise any jurisdiction, or ecclesiastical authority, excepting what is particularly expressed in this ordinance.

There were some farther general rules given these divines, by the lords and commons in parliament.

*General
rules for the
assembly.
Jovis, 6
Julii, 1643.*

“ 1. That two assessors be joined to the prolocutor, to supply his place in case of absence or infirmity.

“ 2. Two scribes to be appointed to set down all proceedings, and these to be divines, who are not members of the assembly, viz., Mr. Henry Rowberry and Mr. Adoniram Byfield.

“ 3. Every member at his first entrance into the assembly shall make a serious and solemn protestation not to maintain any thing but what he believes to be truth, and to embrace truth in sincerity, when discovered to him.

“ 4. No resolution to be given upon any question on the same day wherein it is first propounded.

“ 5. What any man undertakes to prove as necessary, he shall make good out of the Scriptures.

“ 6. No man to proceed in any dispute after the prolocutor hath enjoined him to silence, unless the assembly desire he may go on.

“ 7. No man to be denied to enter his dissent from the assembly, and his reasons for it in any point after it hath been first debated in the assembly ; and thence (if the dissenting party desire it) to be sent to the houses of parliament by the assembly (not by any particular man or men in a private way), when either house shall require it.

“ 8. All things agreed on, and prepared for the parliament, to be openly read and allowed in the assembly, and then offered as the judgment of the assembly, if the major part assent ; provided that the opinion of any persons dissenting, and the reasons urged for it, be annexed thereunto (if the dissenters require it), together with solutions (if any were) given in the assembly to those reasons.”

Now follows the oath.

“ I, A. B., do seriously and solemnly, in the presence of

Almighty God, declare that (in this assembly whereof I am a **CHARLES** member) I will not maintain any thing, in matters of doctrine, ^{I.} but what I think in my conscience to be truth, or in point of discipline, but what I shall conceive to conduce most to the glory of God, and the good and peace of his Church."

Dugdale's
Short View,
p. 908.

The summoning this assembly by the two houses was a new provocation to his majesty, and an unprecedented encroachment upon the prerogative royal. And over and above the illegality of the meeting, it was mostly made up of persons disaffected to the Church; and which was a farther reason for just exception, the divines were intermixed with secular men, and in case of any difference, the two houses were the last judges of the controversy. Upon these considerations, the king published his proclamation before the sitting of this extraordinary synod, "prohibiting all persons mentioned in that pretended ordinance the assembling for that purpose; declaring the assembly illegal; that no acts done by them ought to be received by the subject; and that the allowing the assembly-men wages by a tax upon the public was an unheard-of presumption."

*The king
forbids their
meeting.*

June 22.

Biblioth.
Reg. p. 328.

Notwithstanding this proclamation, sixty-nine of the persons nominated were so hardy as to meet at the time and place appointed; but of the episcopal men very few appeared, and scarcely any of them continued with the assembly, excepting Dr. Featly.

Upon the 1st of July, pursuant to the ordinance, these divines met in king Henry VII.'s chapel. The assembly was opened with a sermon preached by their prolocutor, Dr. Twisse, both houses of parliament being present. The clerks or actuaries were Henry Roborough and Adoniram Byfield. And now the city preachers prayed for a blessing upon their debates, and books were dedicated to them in the style of the "Most Sacred Assembly¹."

825.

One of their first public acts was a petition to both houses for a solemn fast. The matter and expression in this address being somewhat extraordinary, I shall lay it before the reader.

¹ A very interesting and somewhat pungent parallel might be drawn between the synod of Dort and this assembly of divines. It is remarkable that these divines, in their zeal for religion, forgot that loyalty is its indispensable correlative: but the sin of rebellion is like the sin of witchcraft.

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*“ To the Right Honourable the Lords and Commons assembled
in Parliament.*

“ The humble petition of divers ministers of Christ, in the
name of themselves and of sundry others,

*The assem-
bly petition
the two
houses for a
fast.*

“ Humbly sheweth,

July 19.
Waller
*beaten in the
West by the
king; and
lord Fairfax
in the North
by the earl of
Newcastle.*

“ That your petitioners, upon serious consideration, and
deep sense of God's heavy wrath lying on us, and hanging over
our heads and the whole nation, and manifested particularly by
the two late sad and unexpected defeats of our forces in the
north and in the west, do apprehend it our duty, as watchmen
for the good of the Church, to present to your religious and
prudent consideration these ensuing requests, in the name of
Jesus Christ, your Lord and ours.

“ First. That you would be pleased to command a public
and extraordinary day of humiliation this week, throughout the
cities of London, Westminster, the suburbs of both, and places
adjacent within the weekly bills of mortality, that every one
may bitterly bewail his own sins, and cry mightily unto God,
for Christ his sake, to remove his wrath, and to heal the land,
with professed and new resolutions of more full performance of
the late covenant for the amendment of our ways.

“ Secondly. That you would vouchsafe instantly to take it
into your more serious consideration how you may most speed-
ily set up Christ more gloriously in all his ordinances within
this kingdom, and reform all things amiss throughout the land,
wherein God is more specially and more immediately disho-
noured: among which we humbly lay before you these par-
ticulars :—

“ 1. That the brutish ignorance and palpable darkness
possessing the greatest part of the people, in all places of
the kingdom, whereby they are utterly unfit to wait upon God
in any holy duty, (to the great dishonour of the Gospel and
the everlasting endangering of their poor souls,) may be reme-
died by a speedy and strict charge to all ministers constantly
to catechize all the youth and ignorant people (they being
commanded to be subject to it) and all sorts to be present at
it, and information to be given of all persons who shall with-
stand or neglect it.

" 2. That the grievous and heinous pollution of the Lord's ^{CHARLES} supper, by those that are grossly ignorant and notoriously profane, may be henceforth with all Christian care and due circumspection prevented. I.

" 3. That the bold venting of corrupt doctrines directly contrary to the sacred law of God and religious humiliation for sin, which open a wide door to all libertinism and disobedience to God and man, may be speedily suppressed everywhere ; and that in such manner as may give hope that the Church may be no more infected with them.

" 4. That the profanation of any part of the Lord's-day, and the days of solemn fasting, by buying, selling, working, sporting, travelling, or neglecting of God's ordinances, may be remedied by appointing special officers in every place, for the due execution of all good laws and ordinances against the same.

" 5. That there may be a thorough and speedy proceeding against blind guides and scandalous ministers, by whose wickedness people either lack or loathe the ordinances of the Lord, and thousands of souls perish ; and the removal of the ark from among us is (to the trembling of our hearts) evidently threatened. And that your wisdoms would find out some way to admit into the ministry such godly and hopeful men as have prepared themselves, and are willing thereunto, without which there will suddenly be such a scarcity of able and faithful ministers, that it will be to little purpose to cast out such as are unable, idle, or scandalous.

" 6. That the laws may be quickened against swearing and drunkenness, with which the land is filled and defiled, and under which it mourneth.

" 7. That some severe course be taken against fornication, adultery, and incest, which do greatly abound, especially of late, by reason of impunity.

" 8. That all monuments of idolatry and superstition, but more especially the whole body and practice of popery, may be totally abolished.

" 9. That justice may be executed on all delinquents, according to your religious vow and protestation to that purpose.

" 10. That all possible means may be used for the speedy relief and release of our miserable and extremely distressed

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brethren who are prisoners in Oxford, York, and elsewhere, whose heavy sufferings cry aloud in the ears of our God ; and it would lie very heavy upon the kingdom should they miscarry, suffering, as they do, for the cause of God.

Rushworth's
Hist. Coll.
part 3.
p. 344.

“ That so God, who is now by the sword avenging the quarrel of his covenant, beholding your integrity and zeal, may turn from the fierceness of his wrath, hear our prayers, go forth with our armies, perfect the work of reformation, forgive our sins, and settle truth and peace throughout the kingdom.

“ And your petitioners shall ever pray, &c.”

This petition was well approved ; a public fast was ordered upon Friday following ; and both houses agreed to take the other particulars into speedy consideration.

To proceed : amongst other calumnies upon the king, the rebels misrepresented his religion, and reported him inclined to popery. This, they knew, would prove a significant aspersion, and disincline the people to his service. His majesty, therefore, to undeceive his subjects in this particular, made a solemn declaration of his belief : for, being ready to receive the holy eucharist from the hands of the lord primate Usher, he rose from his knees, and, giving the archbishop a sign for a short pause, spoke these words :—

826.

*The king's
protestation
at Christ's-
church in
Oxford.*

“ MY LORD,

Id. p. 346.

“ I espy here many resolved Protestants, who may declare to the world the resolution I do now make. I have, to the utmost of my power, prepared my soul to become a worthy receiver : and may I so receive comfort by the blessed sacrament, as I do intend the establishment of the true, reformed, Protestant religion, as it stood in its beauty, in the happy days of queen Elizabeth, without any connivance at popery. I bless God, that in the midst of these public distractions, I have still liberty to communicate : and may this sacrament be my damnation, if my heart do not join with my lips in this protestation.”

That this purgation was no more than seasonable, may, to mention nothing farther, be collected from a pamphlet lately published by one Saltmarsh, a Puritan minister, where, amongst

other directions, he advises to “cherish the war, under pre- CHARLES
 tence of combating popery: for that this was the surest means ^{1.}
 to engage the people.” His other two suggestions mentioned *Saltmarsh's*
 by Whitlock, were, “First, That all means should be used to *advice.*
 keep the king and his people from a sudden union. Secondly,
 If the king would not grant their demands, then to root him
 out and the royal line, and transfer the crown upon somebody
 else.” This desperate advice was read in the house of com-
 mons. Whitlock's
 Memorials,
 p. 68.

The successes of the king's arms struck such a terror in the
 revolvers, that the leading members were preparing to retire
 beyond sea. Had the earl of Newcastle, instead of sitting
 down before Hull, marched into the associated counties; and
 had the king at the same time omitted the siege of Gloucester,
 and made for London, the war in all likelihood had been at an
 end. But the two houses gaining time by the misconduct of
 the Royalists, applied to the Scots. The Presbyterian part of
 that nation promised the English their assistance, upon condi-
 tion of their taking the covenant. They had already been
 trying to pass this solemn iniquity upon the English: for the
 last summer, when they found the revolt broke out with
 strength, and likely to do business, they sent a form of their
 Kirk-government to the parliament at Westminster. This
 was to be the plan the English were to work by. It was re-
 commended to the establishment by the Scotch assembly: and
 soon after followed with a declaration “of their affections to
 the Reformation in Church and State; letting them know that
 they expected England would now exert herself, and extirpate
 the prelatical hierarchy; offering their assistance at the same
 time, to make the undertaking more practicable and easy.” August 4,
 1642.

The articles of confederacy being agreed between the
 English and Scotch revolvers, both houses, with the assembly
 of divines and Scotch commissioners, met in St. Margaret's,
 Westminster. At this solemnity, one White, a minister of
 the assembly, prayed an hour for preparing them to take the
 covenant. After this, Nye, another famous preacher, mounts
 the pulpit, and makes some remarks upon this engagement;
 endeavours to justify it from Scripture precedents, and shows
 the benefits the Church has received from such combinations.

This discourse was seconded by Henderson, one of the
 Scotch commissioners, who dilated upon the advantages their

August 26,
 1646.
 Husband's
 Exact Coll.
 p. 598.
*The solemn
 league and
 covenant
 offered by
 the Scots,
 and taken by
 the English
 revolvers.*

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Abp. Cant.
Sept. 25.
A.D. 1643.

nation had received from covenants of this kind; and then proceeded to set forth how much the king was governed by ill counsel, and that the states of Scotland had resolved to assist the parliament of England. When Henderson had done, Nye read the covenant in the pulpit, and all the audience held up their hands as a mark of their assent. And the covenant being engrossed in parliament, the lords and commons subscribed it in their respective houses: it was likewise signed by the assembly of divines, and the Scotch commissioners. The tenor of this covenant shall be postponed to the year 1647: at which time the reasons of the university of Oxford against it, shall be annexed. In the mean time, I shall only observe, that the king, looking on it as a dangerous confederacy against the Church and State, published a proclamation, forbidding all his subjects either to tender, or take this seditious and treasonable covenant, as they will answer the contrary at their utmost peril. But this proclamation, dated the 9th of October, came out somewhat too late. For not only the lords and commons at Westminster, but the city of London, and the army quartered there, had already gone through this rebellious test.

Whitlock's
Memorials,
p. 70.

Biblioth.
Reg. part 1.
p. 332.

The Scotch, over and above passing their covenant upon the English, had several other encouraging conditions: for instance, the Scotch commissioners were taken into a share of the administration: Gillespy, Henderson, &c. with an equal number of their ruling elders, sat at Westminster, with the assembly-divines. Besides this, an hundred thousand pounds was advanced to them to forward their expedition. Upon this encouragement, the covenanting Scots entered England with a great army, and reinforced the rebellion: but this was not done till the latter end of the year.

November,
A. D. 1643.
Rushworth's
Collect.
part 3.
p. 391.

In the mean time the commons at Westminster passed an order, that the assembly divines should be moved to write to the reformed Churches of Zealand and Holland, and to the Protestants in France, Switzerland, &c. to inform them "of the great artifices and disguises of his majesty's agents in these parts," and of the true state of their affairs. The Scotch commissioners, and the committee of the lords, were likewise desired to join the commons and the assembly for settling this business.

Pursuant to this order, they drew up a letter, the greatest part of which shall be translated.

“ Right reverend and dearly beloved in our Lord Jesus CHARLES
I.
Christ,

“ We, the assembly of divines and others, convened by the authority of both houses of the parliament of England, with the commissioners sent from the general assembly of the Church of Scotland, salute you heartily in the Lord.

*A letter of
the assembly
of divines
sent to the
Protestant
Churches in
Holland,
France, &c.*

“ We doubt not but the lamentable reports of the miseries under which the Church and kingdom of England lies bleeding and ready to be swallowed up, (the cup which the righteous Lord has given us to drink,) have reached you long since. And it is probable the same instruments of Satan and Antichrist have endeavoured to represent us as black as it is possible to you : it is their method to carry on their interest by calumny and lying, to disguise their bloody designs with specious pretences ; to reproach our contest for a more thorough reformation, and bestow hard language on the just defence of our lives and liberties against violence and cruelty. And we sometimes doubt whether we have not been wanting to our own innocency and your satisfaction in being thus long silent. But pardon us, dear brethren, if this cup of trembling where-with our spirits have been filled to amazement, and our struggling with extreme difficulties, have prevented us from doing this part of our duty. And now be pleased to give us leave to discharge a little of our grief by communicating our condition. For now we shall give you a narrative of the ravage and desolation carried on by an Antichristian faction, who have all along made it their business to check the Reformation and cherish popery ; and have now prevailed against us to that degree, that if the Lord, whose judgments are unsearchable, and whose mercies are infinite, does not speedily interpose for our rescue, we must be utterly undone.

827.

“ How instrumental this treacherous and bloody generation has been in harassing other reformed churches, in ruining the palatinate, and in the loss of Rochelle ; and how by counterfeited embassies and treaties for their relief, they have underhand supported a contrary interest, and made things worse than they found them, are so fully known and so sensibly felt by some of yourselves, that we need not say any thing of them. And to make their aversion to you still more demonstrable, abundance of these men have refused to own any of you for a

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Christian Church: for being not prelatically constituted, they conceive your ministers want a lawful mission, which is essential to church governors. And as for ourselves, we are sadly sensible that in all these three kingdoms they have prevailed so far in promoting popery and discouraging religion, that it would require a volume rather than a letter to relate all the particulars." And here they go on to a considerable length of libelling upon the Church and State. After this they proceed to give a narrative of what was done in Scotland. They acquaint the reformed abroad that this Antichristian faction, as they call them, "imposed a new popish book of service of rites and ceremonies upon the whole Scottish nation: that when the piety and zeal of that kingdom refused submission to this usage, they prevailed with his majesty to proclaim them rebels and traitors: and had not the Lord by his blessing upon the Scotch army, by the calling of this parliament, by their godly care to vindicate the innocence of their brethren, and by the treaty of peace soon after concluded, prevented it, the two nations had long since been imbruing their hands in each others' blood.

Hos. v. 12.

"But though through the goodness of God and his blessing upon the public councils, the English and Scotch were brought to a better understanding and more closely united: and though God had raised up such a spirit throughout this whole kingdom, 'to mourn after the Lord, to lament our backslidings, and to desire a perfect reformation;' and had so inclined the hearts of the honourable members of parliament, 'to repair the house of the Lord among us,' that we verily believed, as they go on, our winter was past, and the time of our refreshing at hand: yet, alas! we find it quite otherwise. Our God, who before was a moth and rottenness, is now turned unto a lion to us. We know our sins have deserved all this; and if we all perish, we acknowledge the Lord is righteous; to his hands we submit, and from him alone we expect deliverance. However, we must say, it is the same Antichristian faction that brings these new miseries upon us: and the rage and diligence of these men rises and runs higher since the beginning of this parliament: and which is more, their success has in some measure answered up to their malice. They have raised a bloody rebellion in Ireland; they have alienated his majesty's affection from his good subjects; advised his sur-

prising some members of both houses in a hostile manner ; CHARLES I. prevailed with him to withdraw himself from the parliament and levy an army. At first it was pretended his majesty would muster none but Protestants : but the Papists, both here and beyond sea, knowing the design of these forces, prayed for their success. And over and above gave out they were not to appear till the Protestants were engaged beyond retreat ; and that then they were to own the cause, which has happened accordingly. For as soon as a great many seeming Protestants, the most part of which were obnoxious for public misbehaviour, and had been prosecuted for treason and high misdemeanours ; as soon as these men had declared for the king, and drawn out into the field, upon pretence of abetting the prerogative, the privileges of parliament, and the Protestant religion ; presently, the Papists, who had all along been used with distinguishing favour by the king's forces, had arms put into their hands, and were furnished with military commissions : and being thus reinforced with the whole body of the Papists, and provided with ammunition and money from other parts, they range up and down the kingdom, plundering and killing all those who stand firm for religion and the parliament.

“ And notwithstanding, that the parliament, perceiving these wicked instruments had prevailed with the king to levy forces to protect them from justice, and enable them to carry on their designs ; and its members, apprised of this, endeavoured to secure the navy, and places of strength, and provide for the defence of themselves, of their laws, their liberties, and religion ; notwithstanding this precaution, the arbitrary faction have disguised their intentions to that degree, and laid such a varnish upon their practice, that now they have increased their party, and carried the sword almost through every part of the kingdom. And to complete our misery, they have at last prevailed with his majesty to own the bloody rebels in Ireland, so far as not only to call them his Roman Catholic subjects now in arms ; but to grant them a truce for a year, with liberty to send messages, or come over to his majesty ; and under this encouragement many of them have transported themselves and joined our enemies¹.

¹ This stedfast adherence of the Roman Catholics to the crown is worthy of the highest praise.

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Abp. Cant.

828.

“ In this deplorable condition we remain at present ; and under this dark prospect the honourable houses of parliament have convened this assembly to assist them with our best advice for the reformation of the Church, for the purging off error and superstition, and retrieving the purity of religion : and here they require us to make God’s word the standard ; to work by the Pattern in the Mount ; to endeavour the nearest conformity to the best reformed churches, and to bring the three kingdoms to an uniformity in belief and worship. And this is the business we are now upon, though the enemy has stirred up the heart of our dear and dread sovereign against us. However, through the good hand of God upon us, we have made some comfortable beginnings : the work is his, who commands us not to ‘despise the day of small things.’

“ Thus (reverend and dear brethren) we have given you the substance, or rather a faint shadow (for the true image is beyond description) of our miserable circumstances in England : our civil liberties are in danger of being lost ; our estates are harassed, our house plundered, and our blood poured out in every corner. If our God will make us as the dust under their feet, and lay our bodies as the ground, the will of the Lord be done. Might our blood be accepted as a sacrifice, avert the Divine displeasure, and preserve the rest of the saints from anti-Christian fury ; we would gladly offer it upon this service. But the most afflicting consideration is, the apparent danger which surrounds all the Protestant Churches. We are very sensible the rage of these men is implacable, and that it is not our blood that will satisfy them. It is not our being sinners which raises their aversion : it is our being engaged in the defence of the true religion : it is our panting after a thorough reformation, which makes them so unalterably our enemies. And if the Lord should once deliver us as a prey unto their teeth, what confusion and darkness must overspread these three kingdoms ? What bondage and persecution must all those endure, who refuse receiving the mark of the beast ? Neither will this calamity rest only upon the kingdoms of Britain and Ireland ; but these men will endeavour to transport their barbarity, and carry the desolation through all the reformed churches in Europe. Your own thoughts may easily suggest with what ‘rage the

beast that came out of the bottomless pit, and the woman ^{CHARLES} who has thus long drank the blood of the saints; you may ^{I.} easily imagine with what rage these are swelled, 'against the virgins that follow the Lamb.'"

And having represented the Church and kingdom of Scotland's entering into a mutual league and covenant with the English; and their resolution of assisting their brethren with an army, and flourished a little upon the wisdom, piety, and learning, of their assembly; they proceed to acquaint them with their request.

And here in the first place, they desire they would pronounce favourably on their condition: not arraign their innocency, nor misconstrue their necessary defence. Thus the reader may see they were terribly afraid the mask should be pulled off; and that they should be accounted rebels as they were. They rail plentifully upon the royalists; and pretend they are mightily injured, in being charged with revolting from their allegiance; and endeavouring to wrest the government from the crown, and bring anarchy and confusion upon Church and State. From these foul aspersions, they make no question, their solemn league and covenant will clear them; a copy of which they inclosed in each of their letters.

Secondly, They desire these foreign Protestants would sympathize with their sufferings: that such returns of compassion would be something of support, and revive their drooping spirits.

Lastly, They suggest, that as all the anti-Christian faction abets their adversaries, (meaning the king) and maintains the quarrel as their own; so these assembly divines desire the foreign Protestants would concern themselves in their interest, and look upon their condition as the common cause. For that if these Covenanters miscarried in England, the calamity would shortly overtake those in other countries, of the same persuasion. As to the way and manner of their being owned, they leave it wholly to the conduct of these foreigners; excepting only in the assistance of their prayers. From hence we may collect, they would have been very glad if the Protestants abroad would have furnished them with forces or money to fight against the king, and destroy the Church.

These divines acquainted the foreigners that they wrote to

LAUD,
Abp. Cant. them by the direction of the house of commons, and take
their leave thus:—

“ Your most affectionately devoted brethren in Christ,

“ JO. MAITLAND,	}	Commissioners of the Church of Scotland.
A. JOHNSTON,		
ALEX. HENDERSON,		
SAM. RUTHERFORD,		
ROB. BAILYE,		
GEO. GILLESPIE,		
WILLIAM TWISSE,		Prolocutor.
CORNEL. BURGES,	}	Assessors.
JO. WHITE,		
HENRY ROBOROUGH,	}	Scribes.”
ADONIRAM BYFIELD,		

Their superscription stood thus: “To the reverend and learned pastors and elders of the classes and churches of the province of Zealand, our much honoured brethren.” Their letters to the pastors and elders of Holland, East Holland, Guelderland, Overyssel, Utrecht, Friesland, and Groningen; to those of Geneva, Bern, Zurich, Basil and Schafhausen; to those of Hesse, Anhalt, Hanaw and Paris, are superscribed in the same form.

Rushworth's
Hist. Coll.
part 3. p. 37.
et deinceps.
*The covenant
pressed
through the
parliament
quarters,
and the con-
sequent per-
secution of
the loyal
clergy.*

The taking the covenant was now pressed close through all the parliament quarters, which brought a terrible persecution upon the loyal clergy. Those who refused to comply, were turned out of their houses, and not suffered to compound either for personal or real estate: this rigour forced great numbers of the clergy to quit their benefices, and retire to places under the king's protection¹: these vacancies were partly supplied by those Presbyterians who had formerly been lecturers, or chaplains: partly by young unqualified students from the universities. To which we may add, some refugees from Scotland and New England; who came in for their share of preferment. And some of those Puritans, who had formerly declaimed so much against pluralities, were now recon-

¹ We may observe that republicans, who make the loudest boast of their own liberty, are often most intolerant of that of other people. Witness the unrelenting severity of certain Americans towards their slaves; who, in fact, are as good as themselves.

ciled to the holding two or three livings. As for the honest ^{CHARLES I.} clergy, who refused to join the rebellion, or revolt from the Church, they were sequestered and imprisoned; and almost every way harassed and undone. From the year 1641, to six years forward, there were a hundred and fifteen clergymen turned out of their livings, within the bills of mortality; most of these were plundered, and their wives and children set in the streets. By these barbarities at London, the reader may conjecture the greatness of the calamity in the rest of the kingdom. They had another way of reaching the orthodox clergy beside the covenant: some of them were sequestered and ejected upon pretence of scandal and immorality. But to show the iniquity of their proceedings upon this head, it may be observed first, that some of the crimes charged upon them were capital: and therefore since the forfeiture of their lives was not taken, we may reasonably believe the proof was defective. Secondly, the depositions against them were seldom taken upon oath, but bare affirmation went for evidence. Thirdly, many of the complainants were apparently factious; men who had deserted the Church, and professed an aversion to the hierarchy. Fourthly, many of these pretended criminals, were ignorantly if not maliciously charged with delivering false doctrine: for instance, some were prosecuted for preaching that "Baptism washes away original sin." And lastly, many were outed for malignancy; that is, for being true to their allegiance. In short, it is observed, there were more turned out of their livings by the Presbyterians in three years, than were deprived by the Papists in queen Mary's reign; or had been silenced, suspended, or deprived by all the bishops, from the first year of queen Elizabeth, to the time we are upon¹. And that this might be done with some colour of justice, they set up a "Committee for plundered ministers," under pretence of providing for such godly ministers, as had either suffered in their effects by his majesty's forces, or lost their benefices for adhering to the two houses.

829.

*Aërius Re-
divivus,*
p. 545.

*Fuller's
Church
Hist.
book 2.
p. 207.*

*Aërius
Redivivus.*

To proceed: his majesty, being scandalously misrepresented in the assembly's letters, as if he designed the introducing of popery, thought it was necessary to wipe off the aspersion by a declaration addressed to the reformed beyond sea. In this manifesto, the king avows his steady adherence to the religion settled by English synods and confirmed by acts of parliament;

*His majes-
ty's mani-
festo to the
Protestants
beyond sea.*

¹ A statement well worthy the attention of Presbyterians and Dissenters.

LAUD,
Abp. Cant.

“that he had educated his children in this belief, and, for farther strengthening the Protestant interest, married his daughter to the prince of Orange; that the most eminent Protestants in Germany, France, Denmark, Switzerland, Bohemia, and Holland, not excepting the synod at Dort, have publicly approved the Liturgy and government of the Church of England; and, lastly, that he was resolved to live and die in the communion of this Church, and protect it in all parts of the constitution to the utmost of his power.”

See Records,
num. 118.

To return to the assembly: these divines, though mostly agreed, fell short of universal harmony. Five of their members—Goodwin, Nye, Bridge, Simpson, and Burroughs—were of the congregational persuasion, afterwards called Independents.

*The rise and
principles of
the Inde-
pendents.*

These men, as has been observed, transported themselves into Holland for liberty of conscience. They had proselyted several wealthy families of merchants and others, who went along with them. The states of Holland gave them a friendly reception, assigned them churches to meet in, and subsisted the ministers with a competent maintenance. Some of these English refugees, as has been related, settled at Rotterdam, and some at Arnheim, in Guelderland. Being thus encouraged by the Dutch government, they advanced to the forming their Church discipline. And here, to speak in their own language, they consulted the Scriptures without any prepossessions: they looked “upon the Word of Christ as unpartially and unprejudicedly as men of flesh and blood are like to do in any juncture of time that may fall out: the place they went to, the condition they were in, and the company they went with, affording no temptation to any bias.”

Apologetical
Narrative,
p. 3.

The principles upon which they founded their Church government were, first, to confine themselves to Scripture precept and precedent, without any supplemental intermixtures of ancient practice or novel invention; secondly, not to be confined to their present resolutions, without room for alteration upon farther views and inquiry. They thought it was not impossible time might inform them better in several particulars, and that it was by no means prudential to tie themselves up from improvement. Pursuant to these grounds, they held a middle course between presbytery and Brownism. The first they counted too arbitrary and decisive; and the other too loose, floating, and undetermined. Their main distinction declared against the dependency of Churches. For instance,

they disallowed parochial and provincial subordinations, and formed all their congregations upon a scheme of co-ordinacy. CHARLES I.
Some sort of ceremonious preference was allowed to the elder Church, but without any addition of authority.

As to the manner of their service, they prayed publicly for kings and all in authority; they read the Scriptures of the Old and New Testament, and expounded the lessons upon proper occasions; they administered the sacraments of baptism and the Lord's supper; they used singing of Psalms, and made collections for the poor every Lord's-day. Their public officers were pastors, teachers, ruling elders (which were ecclesiastics), Id. p. 8. and deacons.

As for Church censures, they lay all within the compass of admonition and excommunication; and, notwithstanding these few branches of discipline, the latter was never exerted during their stay in Holland. Farther: they reckoned synods an useful expedient, and necessary in some cases, but would not allow them any binding force: they were to declare the truth, they said, but had no authority to enjoin obedience and govern practice. The Presbyterians charged these Independents with an ambulatory, uncertain religion: to which they answered, they only kept themselves upon the reserve for farther discoveries of truth. The misunderstandings among themselves at Rotterdam have been touched already. The congregation at Arnheim, where Goodwin and Nye were pastors, were better united. Here, besides the Church ordinances above-mentioned, they proposed the receiving the holy kiss; prophesyings in the congregation, when any of the audience thought themselves qualified to speak; honouring of widows¹; and extreme unction. All this they thought sufficiently recommended by Scripture authority. But, before they came to a resolution upon these points, they had a prospect of better business in England: for now the hierarchy was broken, the inclosures of discipline pulled up, and the Puritan party encouraged by the two houses at Westminster. The juncture being thus inviting, the Congregationalists quitted Holland, and came for England. At their arrival they immediately practised upon their scheme, and gathered Churches. The Presbyterians looked upon this proselyting as no better than encroachment. They complained their flocks were perverted and their settlement disturbed. They expected the Independents should resign their singularities, and

Id. p. 9.
*Actus regimini u
synodis debent porrigi,
non peragi,*
Responsio
Jo. Norton,
p. 114.

1 Cor. xvi.
20.
1 Cor. xiv. 2.
Eph. v. 19.
1 Tim. v. 3.
John v. 14.

¹ "Honour widows that are widows indeed."—1 Tim. v. 3.

LAUD,
Abp. Cant. come under the Scotch regulation, now countenanced by the parliament. On the other hand, these men excepted to the Genevian plan, refused to be concluded by a majority, and moved for a toleration. This motion being rejected by the assembly, Goodwin and the other four members already mentioned addressed the parliament with an "Apologetical Narrative." And here they only petition for indisturbance in their own country, not knowing, as they say, to retreat elsewhere to any tolerable convenience. How the controversy was banded between the Presbyterians and Independents on this head, shall be related afterwards.

p. 297.

What success the assembly's letter had among the foreign Protestants, is more than I can account for, excepting in the Netherlands. Here the Dutch divines made no difficulty to close with the English rebellion. They sent an answer to the address they had received, in which they express their satisfaction with the proceedings of the parliament touching the covenant, and desire their admission into that engagement.

Whitlock's
Memorials,
p. 79.

The committees for sequestration of delinquents' estates had an oath sent down to them by an ordinance of the lords and commons. They were to tender it to all persons of one-and-twenty years of age; and, in case they refused it, two-thirds of their estates, real and personal, were to be forfeited. The oath was in the form following:—

"I, A. B., do abjure and renounce the pope's supremacy and authority over the Catholic Church in general, and over myself in particular; and I do believe that there is not any transubstantiation in the sacrament of the Lord's supper, or in the elements of bread and wine, after consecration thereof, by any person whatsoever; and I do also believe that there is not any purgatory, or that the consecrated host, crucifixes, or images, ought to be worshipped, or that any worship is due unto any of them; and I also believe that salvation cannot be merited by works; and all doctrines in affirmation of the said points I do abjure, renounce, without any equivocation, mental reservation, or secret evasion whatsoever, taking the words by me spoken according to the common and usual meaning of them.

August 19.
A. D. 1643.

Scobel's
Collect. &c.
fol. 50.

"So help me God."

Aug. 28.
*An ordi-
nance*

The same month another ordinance passed, that "all monuments of superstition or idolatry should be removed and demo-

lished." But this, being much the same with the order sent down by Pym and the parliament-committee about three years since, needs not be repeated. This ordinance, in the beginning of the next summer, was reinforced with another of a resembling purport. By virtue of this latter provision, "all representations of any angel or saint, in any cathedral, collegiate, or parish church or chapel, or in any open place, was to be taken away, defaced, and utterly demolished; the chancel-ground of every church or chapel, raised for any altar or communion-table, was to be levelled; no copes, surplices, superstitious vestments, roods, or holy water-fonts" (as they called them), "were to be used; no cross, crucifix, or representation of any angel or saint, was to remain upon any place or other furniture belonging to the worship of God; and all organs were taken away, and, with the other superstitious vestments above-mentioned, utterly defaced."

CHARLES
I.
*against
monuments
and super-
stition.*

Id. fol. 69.

The next ordinance of the two houses commands a stricter observation of the Lord's-day. In this pretended act, the "king's declaration concerning lawful sports to be used, and all other books and pamphlets, that have been or shall be written, printed, or published against the morality of the fourth commandment or of the Lord's-day, shall be called in, seized, and publicly burnt, by the justices of peace." It is likewise ordained by the lords and commons, "that all and singular May-poles shall be taken down by the constables, churchwardens," &c., "and none suffered for the future."

April 6,
A.D. 1644.

*An ordi-
nance
against
May poles.*
Id. fol. 68.

This summer, after the fight at Marston-moor, in which the king's forces were worsted, the assembly of divines communicated a letter to the parliament, which they received from the Kirk of Scotland. It was a sort of remonstrance against the dilatory proceedings in settling the Church government in England. This expostulation was not without effect: for, soon after, the assembly had leave to draw up a form for ordination of ministers and debating the settlement of the Church. And the question being put by the assembly, whether presbytery is *jure divino*, hoping to carry it in the affirmative, one of the lay-members stood up, and objected that though government in general was *jure divino*, yet whether presbytery, episcopacy, independency, or any other form of Church government, was *jure divino*, was a disputable point. Therefore, he thought it advisable for the assembly to forbear declaring their

LAUD,
Abp. Cant.

judgment: for, if this government was not *jure divino*, no decision of any council could make it so; and, if it had the privilege of being *jure divino*, it would continue so still, though the assembly declared nothing upon the point. He therefore thought it prudential for them to go lower in their resolution, and make their report to the parliament; that, in their opinion, "presbytery was most agreeable to the Word of God, and most fit to be settled in this kingdom;" and that, if they put it no higher, he believed they might have a settlement upon this footing.

Whitlock's
Memorials,
p. 94.
*Another
touching
ordination
of ministers.*

In October following, an ordinance was passed touching ordination. By this provision, some assembly-men of distinction, and certain London ministers, or any seven or more of them, were empowered to "lay their hands" on such persons as they found qualified for the holy ministry. To this a clause of privilege was added, that all persons so ordained should be reputed ministers of the Church of England, sufficiently authorized for any office or employment in it, and capable of all advantages appertaining to the same. To show the invalidity of these ordinations, a learned tract was published by Dr. Bohea, chaplain to Houson, bishop of Oxford.

*Archbishop
Laud im-
peached of
high treason.*

Archbishop Laud, having been three years imprisoned, his jurisdiction and patronage seized, and his estate sequestered, was now impeached of high treason before the lords. The commons, who drew the impeachment, exhibited their charge in one-and-twenty articles. The archbishop put in his answer, where, to cover himself from the thirteenth article, setting forth, "that he had maliciously and traitorously plotted and endeavoured to stir up war and enmity between his majesty's two kingdoms of England and Scotland, and to that purpose has laboured to introduce into the kingdom of Scotland divers innovations, both in religion and government," &c. —to cover himself from this article, he pleaded the act of oblivion passed this parliament: not that he was conscious of any guilt, but, considering the disadvantage of the times and the strength of the faction, he did not think it fit to part with any legal advantage.

831.

When this trial came on, the commons ordered serjeant Wild, Brown, Maynard, Nicholas, and Hill, for the managers, and Pryn was employed to provide and prompt the evidence.

The trial was carried on, by intervals, through twenty days' hearing, from the 12th of March to the 29th of July. Some CHARLES I. part of the charge pressed by the Scotch commissioners has been already mentioned. As for his whole defence, it is partly foreign to my purpose, and much too long to insert. However, something farther upon this subject may not be amiss. To begin.

The archbishop, after his twenty days' hearing, having moved for the liberty of repeating an abstract of the articles, with his answer to each of them; the lords sent him word to be ready with his recapitulation against the 2nd of September. And about this time it was resolved in the house of commons, that he should enjoy the benefit of the "Act of Oblivion," and not be charged with any thing relating to the troubles of Scotland.

The archbishop, brought to the house of lords at the day appointed, desired their lordships to remember, in the first place, the generality, and, by consequence, the uncertainty of almost every article of the impeachment; that the charge being thus unbounded, and lying at random, put him to great difficulties in making his defence.

Hist. of the Troubles, &c. of Abp. Laud, p. 169, 216, 411. His trial.

2. He desired their lordships would be pleased to consider how far he was straitened in time, insomuch, that the intervals between each hearing were sometimes so short, that he had not leisure to peruse the evidence, and much less to review his answers, and fortify them if occasion required. For these reasons, amongst others, he desired his counsel may be heard as to matter of law, before their lordships proceeded to sentence.

3. He desired the lords would be pleased to remember the hardships put upon him since his confinement. And here he reminded them, that the key and use of his study at Lambeth, both books and papers, were taken from him. Secondly, that his apartments in the Tower were searched by Pryn, and one-and-twenty bundles of papers, prepared for his defence, seized and carried off, and not three bundles restored; that this search was made before the impeachment was formed into any particular articles; that his pockets were examined, his diary and Prayer-book taken away, and afterwards used against him; that in some instances all this was done, not to prove a charge, but to make one. Thirdly, that all

Part of his defence.

LAUD,
Abp. Cant.

books of council-table, Star-chamber, High Commission, Signet-office, his own registers, and the registers of Oxford and Cambridge, had not only been thoroughly inspected for matter against him, but he had likewise been denied the perusal of these records, and that this restraint was a disadvantage to his defence.

In the fourth place, he intreated their lordships would recollect, that his benefactions and services to the public had been objected as crimes against him. And here he instanced in the repairing of St. Paul's, and settling the statutes of the university of Oxon.

Towards the latter end of this summary defence, the archbishop takes notice, that the managers confessed, "the particulars urged against him were not treason, singly considered, but that the result of them altogether amounted to this crime."

To this the archbishop answered, that if no particular charged upon him was treason, the result from them could not be treason. This argument he makes good from the following reasons:—

"First. The result must be of the same nature and species with the particulars out of which it is formed. That this reason holds in nature, in morality, and in law. In nature, and that both for integral and essential parts; for neither can the body of a bear and the soul of a lion result into a fox, nor the legs of a bull, the body of a horse, and the head of an ass, result into a man. In morality, and this may be proved both in virtues and vices: for neither can many actions of liberality, meekness, and sobriety, rise up into a result of fortitude; neither can many actions of malice, drunkenness, and covetousness, result into treason. This reasoning holds in law too: for let the crimes be never so many, there is no law in this kingdom, nor any where else that I know of," continues the archbishop, "that makes the result of different crimes treason, where none of the particulars are treason by law. In short, this imaginary result is a monster in nature, in morality, and in law; and if once allowed, will destroy all the civil securities of the subject. And since life, liberty, and interest, are so deeply concerned, he hopes their lordships will be proportionably cautious not to give precedents against them." And after having answered some objections upon this head, he refers himself to the laws

of the realm : “that this pretended result must be something within 25 Edward III., or some other known statute, otherwise it cannot be treason. And yet no proof at all has so much as been offered that this result is treason by any law.”

In disproof of his endeavouring to introduce popery, he mentions a list of above twenty Roman Catholics he had recovered to the Church of England ; and several of these were persons of condition and quality. And as for his whole defence, Pryn, notwithstanding his disaffection and the sourness of his temper, is so frank as to confess, “that he made as full, as gallant, as pithy a defence, and spake as much for himself as was possible for the wit of man to invent ; and that with so much art, vivacity, and oratory, without the least acknowledgment of guilt in any thing.”

CHARLES I.
Rushworth's
Hist. Coll.
part 3.
p. 832.

Canter-
bury's
Doom,
p. 462.

Upon the 11th of October following, the archbishop's council, Hern and Hales, barristers of Lincoln's-inn, and Gerrard, of Gray's-inn, attended with the archbishop at the house of lords. The argument agreed amongst them was delivered by Hern. To give the reader some part of it. In the introductory part of their plea, they declare the archbishop had received no assistance from them in the course of his trial, and that his defence was wholly his own.

Archbishop
Sanicroft in
his marginal
note re-
marks, that
though Hern
pronounced
the argu-
ment, it was
made by
Hales, after-
wards chief-
justice, and
that this was
told him by
the lord-
chancellor
Finch.
Hist. of the
Troubles,
&c. of Abp.
Laud,
p. 422.

They reduce the whole charge to three general branches :—

“ 1. A traitorous endeavour to subvert the fundamental laws of the realm, and to introduce arbitrary and tyrannical government.

“ 2. A traitorous endeavour to subvert God's true religion by law established, and instead thereof to set up popish superstition and idolatry.

“ 3. That he laboured to subvert the rights of parliament, and the ancient course of parliamentary proceedings, &c.”

832.

With reference to these three general heads, they crave leave to propose the debating two questions :

First, Whether the constitution makes any thing treason, excepting what is declared such by the statute 25 Edward III., or enacted by some subsequent statutes ? This question they hold in the negative.

Secondly, Whether any things charged in the articles of impeachment contain any of the treasons declared by that law,

LAUD,
Abp. Cant.

or enacted by any subsequent statute? This they humbly conceive may be reasonably denied. And for the clearing both these points, they affirm that an endeavour to subvert the laws, religion, and the rights of parliament, are not treasons within the 25 Edward III. cap. 2, or any other subsequent statute.

2. That not any of the particulars instanced in the rest of the articles are treason within 25 Edward III., or any other statute.

22nd Book
of Assize.
Rot. Parl.
21 Edw. 3.
num. 15.

To make good their opinion upon the first question, they argue, that before the making this statute of 25 Edward III., treason was dangerously undefined and uncertain: that almost any crime was by way of inference extended to treason: that killing the king's messenger was treason: encroaching on the royal power was likewise made treason in the house of lords. The commons being sensible how destructive it was to the subject for the highest crime to lie thus at large and undetermined, petitioned it might be better distinguished and brought to a clearer state. This request of the commons, with the inconveniences above-mentioned, occasioned the statute of 25 Edward III. And here the archbishop's counsel observe, "that in all successive reigns this statute has been the fixed rule for judgments in cases of treason."

Rot. Parl.
1 Hen. 4.
num. 144.
Rot. Parl.
5 Hen. 4.
num. 12.

From hence they proceed to make a recital of the treasons declared by the statute of 25 Edward III., which are these following:—

First, Compassing and imagining the death of the king, queen, prince, and declaring the same by some overt act.

Secondly, Murdering the chancellor, treasurer, &c.

Thirdly, Violating the queen, the king's eldest daughter, or the prince's wife.

Fourthly, Levying war against the king.

Fifthly, Adhering to the king's enemies within the realm, or without, and declaring the same by some overt act.

Sixthly, Counterfeiting the seals and coin.

Seventhly, Bringing in counterfeit coin.

This recital was to furnish the lords with a test for trying the articles exhibited against the archbishop, whether any of them were marked for treason by this statute.

In the next place, these learned gentlemen of the long-robe CHARLES I. laid down for a ground that this act ought not to be construed by equity or inference.

1. Because it is a declarative law, and no declaration ought to be surcharged with another declaration.

2. This law was provided for a security in life, liberty, and estate: but to admit constructions and inferences upon it, must by consequence destroy the intent and force of the provision.

3. It has been held, both in parliament and judicial debates, that this act must be literally construed, and not stretched to inferences.

From hence the counsel go on to their second question, whether any part of the charge against the archbishop contains any of the treasons declared by 25 Edward III., or enacted by any subsequent law? To make good the negative side of this question, they argue, that an endeavour to subvert fundamental laws is not treason by any law in this kingdom. Their reasons are:—

1. Because it is not comprised within any words of 25 Edward III.; neither, as has been already observed, may it be brought within it by any construction or inference.

2. Because an endeavour to subvert laws is of so great a latitude and uncertainty, that every action, not warranted by law, might by this means be strained to treason.

To fortify this reasoning they cite an authority from sir Edward Coke. The case is this: “A conveyance was made in tail, with a proviso, that if the tenant did ‘go about,’ or ‘attempt’ to discontinue the entail, the same should be void: now it was resolved by the judges that the proviso was void. The principal reason was, that these words ‘attempt,’ or ‘go about,’ are uncertain terms, and void in law.” What follows in the report is very observable, viz.: “God defend that inheritances and estates of men should depend upon such uncertainties:” that “misera est servitus ubi jus est vagum, et quod non definitur in jure quid sit conatus:” and therefore the rule of the law decides this point, “non efficit conatus nisi sequitur effectus;” and the law does reject “conations and goings about as things uncertain, which cannot be put in issue.” Thus far

Coke's Reports, part 6. fol. 42. Mildmay's case. See Corbett's case. Moore's Reports, fol. 602.

LAUD,
Abp. Cant.

the book. And if estates are thus well guarded, it is hoped the instance will hold stronger in cases of life.

Having despatched these generals, the counsel apply themselves to the other articles, which they conceived were insisted on as instances of the general charge. And here they suggest that if the generals fall short of treason, the particular instances must do so too: and on the other side, if the instances come lower than treason, the application to those generals cannot mount to any such malignity. And here they single out two particular articles of greatest force against the archbishop.

The first stands in the tenth article, viz.: "that he has traitorously endeavoured to reconcile the Church of England with the Church of Rome." To disable this article, they reply, "that if this is any treason, it must be a treason within 5 James, cap. 4; where it is enacted, 'that if any man shall put in practice to reconcile any of his majesty's subjects to the pope or see of Rome, he shall incur the forfeitures of treason.'" But the charge in the article is clearly without the compass of this statute. For,

1. The article only charges an endeavour, whereas the statute mentions a putting in practice.

2. The article sets forth an endeavour of reconciling the Church of England with the Church of Rome; but the statute mentions reconciling some of his majesty's subjects with the see of Rome. Now there seems a wide difference between these two expressions: for reconciling with, may as well import bringing the Church of Rome to the Church of England, as the Church of England to the Church of Rome.

Their second instance is in the seventh additional article, in which the archbishop is charged "with wittingly and willingly receiving and harbouring divers popish priests and Jesuits, namely, Sancta Clara and monsieur St. Giles." To this the counsel replied, "that the harbouring priests and Jesuits is made felony and not treason; and that the statute extends only to priests born within the English dominions, which Sancta Clara and the other are not charged to be."

And now having gone through the heaviest articles, and proved them clear of any treasonable matter, they argue such articles cannot be heightened to treason by inference or parity of reasoning. They grant the crimes, as they stand in the

833.

27 Eliz.
cap. 2.

charge, are great and many. However, since they fall short of treason by the laws of the realm, their number cannot make them exceed their nature. And if they are but misdemeanors taken apart, they cannot be swelled to treason by putting them together.

Unless this reasoning is allowed, the 25th Ed. III. so much insisted on already, must be a vain and insignificant provision. For if after all the exactness and particularity of that statute, any number of misdemeanors should produce a treason, purely by mixture and complication: if this were the case, the statute could give no relief to the subject; because the law makes no mention of treason by emergency, or complication of lesser crimes: it neither informs us what number, or what nature of crimes below treason, should make a treason, nor that any number of offences should operate thus far.

They observe farther, that there is a clause in the statute 25th Ed. III., that when the judges found the case perplexed, they were not to give judgment till the cause was brought before the parliament. From hence it may seem to be inferred, there are treasons unmentioned in the statute, which may be declared in parliament. To this objection they answer, that it is expressly provided by the clause, that it was to be declared in parliament, "whether the crime ought to be adjudged treason or felony." From whence it appears, the offence should at least be felony at the common law; and that no crimes, beneath felony, were ever intended to be stretched to treason by this statute. And in the latter case of the earl of Strafford, there is a treason within this law charged in the bill of his attainder, to have been proved upon him.

And to fortify their argument, it may be observed, that as to the clause last mentioned, a petition was preferred by the lords in the reign of king Henry VIII., to have all treasons limited by statute. And in the parliament an act was made, whereby the salvo in 25th Ed. III. was repealed, and nothing reckoned treason but what was literally comprehended in the statute 25th Edward III. They urge other things upon this head, which may be omitted: and through the whole argument they confine themselves to the nature and degree of the crimes exhibited in the articles, without meddling with matter of fact, or whether the particulars of the charge were proved or not.

CHARLES
I.

Hen. 8.
cap. 4.

6 Hen. 8.
cap. 20.

Hist. of the
Troubles,
&c. of Abp.
Laud, p. 423,
et deinceps.

LAUD,
Abp. Cant.
October 28.
*A petition
handed
about in the
city for
bringing the
archbishop
to justice.*

Id. p. 431,
432.

About a fortnight forward, a petition was handed through the city and suburbs, for bringing delinquents to justice: and some of the preachers animated the people to exert their zeal upon this occasion, letting them know the glory of God, and the good of the Church, would be promoted this way. This petition, in which no persons were named, except the archbishop of Canterbury and the bishop of Ely, was signed by great numbers, and delivered to the house of commons. And here the archbishop observes, that neither the lord mayor, or the sheriffs, gave any check to this illegal and sanguinary method; though the business was publicly known, and the people exhorted to subscribe in their parish churches. The archbishop afterwards delivered the substance of his defence at the bar of the house of commons.

Id. p. 441.
*The lords
menaced
into a con-
currence
with the
commons
touching the
attainder.*

After the trial was over, the houses thought fit to proceed by way of attainder: the bill passed with the commons November 16, but it was much longer before the lords were satisfied. In the mean time great care was taken to push them to a concurrence. For instance, Stroud was sent with a message from the commons to quicken them in this business: he took the freedom to tell them, "That they should do well to agree in the ordinance, or else the multitude would come down and force them to it." Notwithstanding this menacing, when the articles of impeachment were put to the judges, they unanimously declared, that nothing charged upon the archbishop, was treason by the laws of the realm. And the lords, at a conference with the commons, owned themselves of the same opinion. And now, to smite more solemnly "with the fist of wickedness," a fast was ordered for Christmas-day. If the two houses had been Jews, they could hardly have put a more open affront upon Christianity.

Lord Cla-
rendon's
Hist. of the
Rebellion,
vol. 2.
p. 752.
Cyprian.
Anglic.
January 4,
A.D. 1644-5.

Lord Cla-
rendon.

To proceed. The lords, at last, with a very thin appearance, went through the bill; there being not above twelve, or, as one historian reports, only seven in the house. Six of this number were, the earls of Kent, Pembroke, Salisbury, and Bolingbroke, the lord North, and the lord Gray, of Wark. To stop the consequence of this attainder, the archbishop pleaded the king's pardon under the great seal, signed about two years since. But this protection was over-ruled by both houses. 1. Because it was granted before conviction. And, 2. If it had been subsequent, yet in this case of "treason

against the kingdom," (as they called it) it could signify **CHARLES I.** nothing.

And now the archbishop having notice of his execution, breaks off his history, and prepares for death: and the day being come, mounts the scaffold with an air of resolution and cheerfulness. His speech begins with a text: "Let us run with patience the race that is set before us, looking unto Jesus," &c. And here I shall only give the reader the substance of some part of what he delivered.

Whitlock's Memorials. Jan. 10. The archbishop continued the Hist. of his Troubles, &c. till the 4th of January. Heb. xii. 2.

After having made an analogy between his sufferings and the Israelites passing through the Red Sea, he puts the company in mind, "that when God's servants were forced, as it were, into this refuge of the sea, their enemies were drowned in the pursuit. He was well assured God was able to deliver him from this violence, as he did the three children from the furnace; and that by our Saviour's assistance, his resolution was the same with theirs: they refused to "worship the image the king had set up," neither would he idolize the imaginations of the people, nor forsake the temple and truth of God, to follow the bleating of Jeroboam's calves in Dan and Bethel. As for the people, they were miserably misled, (God in his mercy open their eyes) for now the 'blind lead the blind:' and if they go on, they will both certainly 'fall into the ditch.' He was not only (as he continues) the first archbishop, but the first man, that ever died by an ordinance in parliament. Yet some of his predecessors had been forced into the other world, though in a different manner. For Elphegus lost his life by the Danes, at the sacking of Canterbury; and Simon Sudbury was dispatched in the insurrection headed by Jack Straw and Wat Tyler. Before these, St. John Baptist had his head danced off by a scandalous woman; and St. Cyprian, archbishop of Carthage, was brought to the block by Decius the emperor. That the usage these great men met with, was matter of support to him; and that he hoped his cause would appear in heaven with a different complexion from what was put upon it here. That his charge, as foul as it is pretended, looks like that of the Jews against St. Paul. For this apostle was accused as a great criminal against the law and the temple. St. Stephen was likewise arraigned for 'breaking the ordinances which Moses had delivered;' that is, for endeavouring the subversion of the laws

The archbishop's speech, and behaviour at his execution.

By an ordinance, that is, the votes of the lords and commons only, without the bills being signed by the king.

834.

Acts xxv. 3. Acts vi. 14.

LAUD,
Abp. Cant.

and religion of the country. And here, to prevent misconception, the archbishop declared he did not pretend to draw a parallel between these saints and himself, nor affirm an equality in the cases: but that these holy men being misrepresented, and struck at, there was some resemblance in the comparison."

The next thing I shall mention is his clearing the king of being popishly affected. "A calumny," saith the archbishop, "hath passed upon his majesty, as if he designed to bring in popery; but, on my conscience, (of which I shall give God a very present account,) I know him to be as free from this charge as any man living; and I hold him to be as sound a Protestant (according to the religion by law established) as any man in this kingdom; and that he will venture his life as far and as freely for it; and I think I do, or should, know both his affection to religion, and his grounds for it, as fully as any man in England."

From hence he proceeds to complain "of the riotous behaviour of the populace in the city, and of their clamouring for justice at the parliament-house; that this was the way to draw the guilt of blood upon their heads, and, it may be, a judgment upon the city; that this mutinous disorder was unchecked by the magistracy; that engaging the people was the method taken in the martyrdoms of St. Stephen and St. James, and the apprehending St. Peter." And here he endeavours to affect them with the danger of such sanguinary courses, and cites very awakening texts to this purpose.

He "laments the calamitous condition of the Church of England; that she is become like an oak cleft in pieces with wedges made out of her own body; that iniquity and profaneness stalks under the pretence of godliness; that the substance of religion is lost; and that the Church, which stood firm against the Jesuits' attack, is terribly battered by her own party."

For his own belief, he declares himself of the communion of the Church of England, established by law; and, notwithstanding the unreasonable clamours raised against him, has all along lived in that persuasion.

As to the charge of high treason, he protests his innocence, and declares his abhorrence of the crime: "that, though this protestation was rejected at the lords' bar, he hopes it may be admitted upon the scaffold, and that people will have the charity

Acts vi. &
xii.

Isa. i. 10.

Psal. ix. 12.

Jer. xxvi.

15.

*For farther
proof of this
point, if it
was needful,
the arch-
bishop, in his
will, desires
his executor,
that his
book against
Fisher, the
Jesuit, may
be translated
into Latin,
that foreign-
ers may the
better judge
of his re-
ligion.*

Hist. of his
Troubles,
&c p. 457.

not to think him a dissembler at the point of death. And CHARLES
I. whereas he had been accused as an enemy to parliaments, he professes his regard for this part of the constitution ; and that he conceived them a happy circumstance in the government. He does not deny his disliking the management of some parliaments, and thinks his exception well founded : for ‘*corruptio optimi est pessima*,’—the best things, by misapplication and abuse, become the worst. Thus, the parliament being the highest court, from which there is no appeal, when this last resort is misinformed or misgoverned, it is turned to the most fatal grievance : for, in such cases, the subject is left without remedy.”

After this speech, the archbishop made a very pious and affecting prayer, and then moved towards the block ; and, finding the passage crowded with people, he desired them to make way, and give him “room to die.” While he was preparing himself for the executioner, one sir John Clotworthy—remarkable for his share in the rebellion—gave him a very ill-natured interruption. He asked him what text of Scripture was most comfortable to a dying man ? The archbishop answered, “*Cupio dissolvi, et esse cum Christo.*” Sir John, going on in his barbarity, told him, “there must be an assurance to found that desire upon.” The archbishop returned, “that assurance was to be found within, and that expression could not reach it.” Clotworthy, pressing farther, said, “it is founded upon a word, though ; and that word would be known.” Laud replied to this effect : “that it was the Word of God concerning Christ, and his dying for us.” And, finding this gentleman might prove farther troublesome, he turned to the executioner, and, kneeling down, had his head, after a short prayer, severed at a blow.”

Besides what has already occurred touching his character, it may be observed, he was of a lively and penetrating genius, of a sociable temper, and inoffensively pleasant upon occasion. If we consider his function, he had passed through almost all the employments of a churchman : and, how much he was a master in his profession, is sufficiently evident from his book against Fisher. He was a person of unblemished integrity. Money was no part of his inclination : for, notwithstanding the largeness of his revenues, his fortune was almost exhausted by his benefactions to Oxon and Reading. His piety was no less

Rushworth's
Hist. Coll.
part 3.
p. 888.
Cyprian.
Anglic.
p. 536.
His character continued.

LAUD,
Abp. Cant.

exemplary and distinguished: he was constant at his^e chapel and private devotions. His warm loyalty and zeal for uniformity brought him to his end. And, though he was far from warping towards popery, rightly understood, it is possible he might believe a good settlement capable of improvement; that some part of the Reformation might be burnished, and brought to a more beautiful and primitive state. That this was his opinion, may be collected from the preference he seems to have given the Scottish Liturgy, and from his wishing the foreign reformed Churches might be like the Church of England, “and as much better as God should please to make them.”

Hist. of the
Troubles,
&c. of Abp.
Laud,
p. 134.

To proceed: the earl of Clarendon describes his temper somewhat sudden, and says that his passion was too soon kindled; that he failed in a plausible application, neglected address, and believed bare honesty and vigorous pursuit sufficient to carry him through. Notwithstanding this abatement, the noble historian treats his memory with great regard at taking leave. He reports him a person of eminent learning and piety; that he behaved himself with great Christian courage and magnanimity on the scaffold; and that his good qualities were obtained “by a very few, and the greatest of his infirmities common even to the best of men.”

835.

Lord Cla-
rendon's
Hist. of the
Rebellion,
vol. 1.
p. 474.

The archbishop died in the seventy-second year of his age. Amongst his public benefactions, besides those already mentioned, may be reckoned his annexing commendams to the small bishoprics of Bristol, Peterborough, St. Asaph, Chester, and Oxford. He procured a charter for Oxford, to confirm their ancient privileges, and enlarge them to an equal extent with those granted to the university of Cambridge. He settled two hundred pounds per annum upon a hospital at Reading, in Berkshire. By the way, the archbishop was born in this town, where his father was a clothier, of good substance and esteem; his mother was Lucy Webb, sister to sir William Webb, lord mayor of London. To go on with his benefactions: he founded an Arabic lecture in Oxford, and settled the impropriation of Cuddesden on that bishopric. He procured a new charter and a body of statutes for the college of Dublin. The rest of his benefactions shall be omitted. And, besides what was finished this way, he had several other things in project. Amongst the rest, he resolved to find out a way and provide a fund for the augmentation of poor vicarages, and for settling

Hist. of the
Troubles,
&c. of
Archbishop
Laud, p. 63.

the tithes of London between the clergy and city. He was buried in Barking church, near the Tower, with the office appointed by the Liturgy. This was somewhat extraordinary, considering the same day the lords agreed to the archbishop's attainder they passed an ordinance that the Book of Common Prayer should be laid aside, and the Directory used instead of it. This Directory, drawn by the assembly of divines, was transmitted in parts to the parliament, where, after a debate in both houses, it was confirmed, with some small alterations. The ordinance sets forth,—

CHARLES
I.

Rushworth's
Hist. Coll.
part 3.
p. 839.

“That the lords and commons assembled in parliament, taking into serious consideration the manifold inconveniences that have arisen by the book of Common Prayer in this kingdom, and resolving according to their covenant, to reform religion according to the word of God, and the example of the best reformed churches; have consulted with the reverend, pious, and learned divines, called together for that purpose; and do judge it necessary that the said book of Common Prayer be abolished, and the Directory for the public worship of God, herein after mentioned, be observed in all the churches within this kingdom.”

An ordinance for setting aside the Common Prayer, and establishing the Directory.

After this they pretend to repeal the statutes by which the Common Prayer stood established. In the preface to their Directory they take notice, “It is evident from long and sad experience that the Liturgy, notwithstanding all the pains and religious intentions of the compilers, has proved offensive both to many of the godly at home, and the reformed abroad: that injoining the reading all the prayers, heightened the grievance. That the number and quality of the ceremonies, made them unprofitable and burthensome: that they have occasioned much mischief; disquieted the consciences of many godly ministers and people; deprived them of the ordinances of God, which they could not enjoy without conformity; thrown them out of their function and subsistence, and ruined their families. That the prelates and their faction have put too great a value upon it, as if God was to be worshipped no other way but in the service book; that in consequence of this opinion, the preaching of the word was much hindered and depreciated.

“That the Papists made their advantage this way, boasted that the Common Prayer came up to a compliance with a great part of their service; and by this means were not a little confirmed in their superstitions.

“That the Liturgy has given great encouragement to an idle and unedifying ministry; who choose rather to acquiesce in forms made to their hands, than to exert themselves in exercising the gift of prayer; a gift, with which our Saviour Christ furnishes all those called by him to that office.

“For these, and many other resembling considerations, they have agreed to set aside the Common Prayer, not out of any affectation of novelty, not with any intention to disparage our first reformers, of whom they make honourable mention, but that they may, in some measure, answer the gracious providence of God, which now calls upon them for farther reformation: that they may satisfy their own consciences, and come up to the expectation of other reformed churches: that they may make many of the godly among themselves easy, and give some public testimony of their endeavours for uniformity in divine worship, pursuant to what they had promised in their solemn league and covenant.”

Scobel's
Collect. of
Acts, &c.
fol. 75.
et deince.
*A brief
abstract of
the Di-
rectory.*

And here the reader may observe, that this Directory of theirs gives only general rules, prescribes in minutes, and points out the heads for worship and pastoral function: so that, in short, the ministers were left to a great deal of discretionary latitude in filling up the lines, and beating out the form. To mention somewhat briefly the particulars. The Directory forbids all salutations and civil ceremony in churches: this is a commendable regulation: for the Church is the presence: and therefore, according to the custom in princes' courts, no signs of submission or regard should be paid to any but the sovereign. The reading the Scriptures in the congregation is declared part of the pastoral office: however, those who design themselves for this calling, may read the word, and exercise their talent in preaching, provided they are allowed by the presbytery. All the canonical books of the Old and New Testament (but none of the Apocrypha) are to be publicly read in the vulgar tongue: and for this purpose the best allowed translation is to be used: but which that is, they do not tell us. How large a portion is to be read at once, is left to the minister. When the minister judges ex-

pounding necessary, he has the liberty of that exercise: but then it must not be done till the chapter or psalm is ended. CHARLES
I.
And over and above, care must be taken, that neither preaching nor any ordinance may be straitened, or grow tedious.

For the prayer before sermon, the heads are struck out to a considerable length; part of the prayer for the king was, to "save him from evil counsel:" likewise to pray for the conversion of the queen, and for a blessing upon the high court of parliament then in open rebellion.

For managing the sermon, these rules are delivered. The introduction to the text must be short and clear, drawn from the words, or context, or some parallel place of Scripture. In dividing the text, the minister is to regard the order of the matter, more than that of the words. Not to burthen the memory of the audience with too many parts, nor perplex their understandings with logical language and terms of art. If any difficulty arises from Scripture, from the nature of the discourse, or the prejudice of the hearers, it will be requisite to disentangle the knot, to reconcile the seeming contradiction, and remove the grounds of mistake; otherwise the starting and answering unnecessary objections, is rather a hindrance to edification. It is sometimes requisite to give some notes of trial for the congregation to examine themselves upon, whether they have attained those graces, or performed those duties to which they are exhorted: whether they are guilty of the sin reproved, in danger of the judgments threatened, or qualified for the privilege and comfort held forth. The minister is to decline an unprofitable use of learned languages, uncommon phrases, affectation of cadences and words: and seldom to make any citations from any ecclesiastical or other human writers, either ancient or modern.

836.

In the prayer after sermon, some of the most useful heads thereof are to be turned into petitions, that what has been delivered may prove serviceable to the hearer.

The use of the Lord's Prayer is likewise recommended as a pattern and most comprehensive form of devotion.

As baptism is not unnecessarily to be delayed, so neither is it to be administered in any case by any private and unordained person; neither is this sacrament to be administered any where but at church, in the face of the congregation. The child is to be offered to baptism by the father, or some

friend, in case of his necessary absence. And here the minister is to declare, that outward baptism is not so necessary as to bring the infant in danger of damnation through the want of it. At the receiving the Lord's supper, the table, being decently covered, is to be so placed that the communicants may sit about it; but the posture of the minister, or the order when he is to communicate himself, is not prescribed. Upon the Lord's-day, the intervals between public worship and the time after evening worship are to be spent in reading, meditation, repetition of sermons, catechizing their families, holy conferences, prayer for a blessing upon the public ordinances, singing psalms, visiting the sick, and relieving the poor.

The dead are to be buried without any prayers or religious ceremony. However, they had the moderation to allow the use of escutcheons, and such other distinctions, suitable to the condition of the deceased. Matrimony, visitation of the sick, fasting, and thanksgivings, have little particular and extraordinary in the appointment, excepting that the forms in most of them are left to the minister's discretion.

Jan. 30,
1644-5.

*The king's
instructions
to his com-
missioners at
Uxbridge.*

The latter end of this month, commissioners were sent from Oxford and the two houses at Westminster to endeavour an accommodation. The treaty opened at Uxbridge, in Middlesex. I shall only mention that part of it which relates to religion. The king's instructions to his commissioners upon this head are these: "And here"—to speak in his majesty's person and words—"the government of the Church will be the chief question, wherein two things are to be considered,—conscience, and policy. For the first, I must declare unto you," says the king, "that I cannot yield to the change of the government by bishops, not only because I fully concur with the most general opinion of Christians in all ages in episcopacy's being the best government, but likewise I hold myself particularly bound by the oath I took at my coronation not to alter the government of this Church from what I found it; and, as for the Church's patrimony, I cannot suffer any diminution or alienation of it, it being, peradventure, sacrilege, and likewise contrary to my coronation oath. But whatsoever shall be offered for rectifying abuses, if any have crept in, or for the ease of tender consciences, (provided the foundation is not indamaged,) I am contented to hear, and willing to return

a gracious answer. Touching the second,—that is, the point of policy,—as it is the king's duty to protect the Church, so the Church is reciprocally bound to assist the king in the maintenance of his just authority. Upon this view, my predecessors have been always careful (especially since the Reformation) to keep the dependency of the clergy entirely upon the crown, without which it will scarcely sit fast on the king's head; therefore you must do nothing to change or lessen this natural dependency."

Bib. Regia,
sect. 4.
p. 333.
*Love's sedi-
tious sermon.*

The day before the treaty began, one Love, a parliamentary divine, preached a scandalous and seditious sermon, reflecting upon his majesty's honour and the integrity of his intentions, telling the audience that those lords and others, sent thither by his majesty, "came with hearts full of blood, and that there was as great distance between this treaty and peace as between heaven and hell," with several other mutinous expressions for raising distrust and disaffection to his majesty. The king's commissioners complained of this usage, but received no other satisfaction than that Love's behaviour should be reported to the lords and commons at Westminster.

Rushworth's
Hist. Coll.
vol. 3.
p. 864.

The demands of the commissioners sent from Westminster were these:—

"That a bill might be passed for abolishing and taking away all archbishops, bishops, &c., pursuant to the proposition sent to the king at Oxford, already mentioned.

*The propo-
sitions given
in by the
commis-
sioners, sent
by the par-
liament.*

"That the ordinances concerning the calling and sitting of the assembly-divines be confirmed by act of parliament; that the Directory for public worship, and the propositions concerning Church-government, hereunto annexed, and passed by both houses, be enacted as a part of reformation of religion and uniformity.

"That his majesty take the solemn league and covenant, and that an act of parliament be passed in both kingdoms for enjoining the taking it by all the subjects of the three kingdoms."

Id. p. 865.
Dugdale's
Short View,
&c. p. 737,
738.

Their paper annexed explains the nature of their Church-government, and moves for his majesty's assent, that it may be settled upon the plan proposed. The contents are as follows:—

“ That the ordinary way of dividing Christians into distinct congregations, and most expedient for edification, is by the respective bounds of their dwellings.

“ That the minister and other Church-officers in each particular congregation shall join in the government of the Church in such manner as shall be established by parliament.

837. “ That many particular congregations shall be under one presbyterial government.

“ That the Church be governed by congregational, classical, and synodical assemblies, in such manner as shall be established by parliament.

“ That synodical assemblies shall consist both of provincial and national assemblies.”

To shew how much inclined his majesty was for quieting the public distractions, he empowered his commissioners to make the following concessions :—

*Concessions
made by the
king's com-
missioners.*

“ We are willing,” say they, “ that freedom be left to all persons, of what opinion soever, in matters of ceremony ; and that all the penalties of the laws and customs which enjoin these ceremonies be suspended.

“ Secondly, That the bishops shall exercise no act of jurisdiction or ordination without the consent and counsel of the presbyters, who shall be chosen by the clergy of each diocese, out of the learnedest and gravest ministers of that diocese.

“ Thirdly, That the bishop keep his constant residence in his diocese, except when he shall be required by his majesty to attend him on any occasion. And that if he be not hindered by the infirmities of old age or sickness, he shall preach every Sunday in some church within his diocese.

“ Fourthly, That the ordination of ministers shall be always in a public and solemn manner, and very strict rules observed concerning the sufficiency and other qualifications of those men who shall be received into holy orders ; and the bishop shall not receive any into holy orders without the approbation and consent of the presbyters, or the major part of them.

“ Fifthly, That competent maintenance and provision be established by act of parliament to such vicarages as belong to bishops, deans, and chapters, out of the impropriations, and according to the value of those impropriations of the several parishes.

“Sixthly, That for the time to come no man shall be capable of two parsonages or vicarages with cure of souls. CHARLE I.

“Seventhly, That towards the settling of public peace, 100,000*l.* shall be raised by act of parliament out of the estates of bishops, deans, and chapters, in such manner as shall be thought fit by the king and two houses of parliament, without the alienation of any of the said lands.

“Eighthly, That the jurisdiction in causes testamentary, decimals and matrimonials, be settled in such manner as shall seem most convenient by the king and two houses of parliament; and likewise that one or more acts of parliament be passed for regulating visitations, and against immoderate fees in ecclesiastical courts, and the abuses by frivolous excommunications, and all other abuses in the exercise of ecclesiastical jurisdiction, in such manner as shall be agreed upon by his majesty and both houses of parliament.

“And if your lordships shall insist upon any other thing which your lordships shall think necessary for reformation, we shall very willingly apply ourselves to the consideration thereof.”

Bibl. Regia,
sect. 4.
p. 339.
Rushworth's
Hist. Coll.
part 3.
p. 872.

The king's commissioners desired they might receive an answer in writing; and that for the better understanding each other, this method might be held through the whole treaty. This motion being contested for some time, it was resolved on both sides to hear the divines of either party. Dr. Steward, clerk of the closet, was one of the king's commissioners in things relating to the Church. Mr. Alexander Henderson appeared with the same character for the parliament. Dr. Sheldon, afterwards archbishop of Canterbury; Dr. Lany, afterwards bishop of Ely; Dr. Fern, afterwards bishop of Chester; Dr. Potter, dean of Worcester; and Dr. Hammond; all of them the king's chaplains, were sent by his majesty to assist in the dispute, and support Dr. Steward as occasion required. On the parliament side, besides the commissioner, Mr. Alexander Henderson, Mr. Marshall, and Mr. Vines, the first beneficed in Essex, and the other in Warwickshire, and Mr. Cheynel, formerly fellow of Merton College, in Oxon, appeared as auxiliaries.

*The divines
who assisted
at the treaty.*

Henderson, instead of close reasoning, argued in a declamatory manner. He endeavoured to shew the necessity of *Henderson's arguments against episcopacy.*

changing the government of the Church for the preservation of the State. "That the public repose could not be recovered any other way, and that therefore this expedient ought in conscience not to be declined. That the supporting the civil and ecclesiastical government upon the present footing was impracticable; and therefore that episcopacy ought to be resigned to the interest of the State. That now the question was not whether the government of the Church by bishops was lawful, but whether it was so necessary that Christianity could not subsist without it: that this latter question could not be affirmatively maintained without condemning all the reformed churches in Europe, in which there were no bishops, England only excepted. That the parliament, which best understood what was serviceable for the nation, had found episcopacy a very inconvenient and corrupt government: that the hierarchy had been a public grievance from the Reformation downwards: that the bishops had always abetted popery, kept on many superstitious rites and customs in their worship and government; and over and above, had lately brought in a great many novelties into the Church, and made a nearer approach to the Roman communion; and all this to the great scandal of the Protestant Churches of Germany, France, Scotland, and Holland: that the prelates had embroiled the British island, and made the two nations of Scotland and England fall foul upon each other: that the rebellion in Ireland, and the present civil war in England, may be charged upon them: that for these reasons the parliament had resolved to change this inconvenient mischievous government, and set another in the room of it, more naturally formed for the advancement of piety: that this alteration was the best expedient to unite all Protestant Churches, and extinguish the remains of popery; and that he hoped the king would concur in so commendable and godly an undertaking: that he conceived his majesty's persuasion could not be urged against such a compliance; for by his consenting to the suppression of the prelacy in Scotland, it is evident the king's conscience was not bound up to episcopacy, neither could he believe that form of ecclesiastical government absolutely necessary."

838.

Lord Clarendon's
Hist. of the
Rebellion,
book 3.
Dr. Steward's reply.

Dr. Steward, addressing the commissioners, replied, "He knew their lordships were too well acquainted with the constitution of the Church of England, and the basis upon which it

stood, to imagine it could be shaken by the force of Mr. Henderson's rhetoric: that though he was firmly of opinion, that a government which from the first planting of Christianity in England, had continued here without interruption: that a government, under which Christianity had spread and flourished to a remarkable degree, could not have any thing vicious or antichristian in its frame: notwithstanding this opinion of his, he could expect no less than that those who had sworn themselves to an abolition of this primitive constitution, and came hither to persuade their lordships and his majesty to a concurrence, would not have gone lower in their argument than the unlawfulness of the government they pressed so strongly to remove. That though in their sermons and prints they gave episcopacy an antichristian addition, Mr. Henderson had prudently declined charging so deep, and only argued from the inconveniences of this government, and the advantages which would be consequent upon alteration. But of this no judgment could be made, till they had given in a scheme of the government they intended should succeed it. And in regard the union with the Protestant Churches abroad seemed to be the main reason for so remarkable a change, he desired it might be declared what foreign Church they designed for a pattern. That he was well assured the model in their Directory had no strong resemblance to any foreign reformed Churches. And though he would not enter upon a censure of those Protestant communions, yet it was well known, that the most learned men of those Churches had lamented a defect in their reformation: and that the want of episcopacy, which the state would not suffer, was an unhappy circumstance. That they had always paid a particular reverence to the Church of England, and looked on it as the most perfect constitution, upon the score of its having retained all that was venerable in antiquity. From hence he proceeded to enlarge upon the apostolical institution of episcopacy, and endeavoured to prove that without bishops the sacerdotal character could not be conveyed, nor the sacraments administered to any significancy.

“As to his majesty's having consented to the putting down episcopacy in Scotland, he would presume to say nothing; though he knew his majesty's present thoughts upon that subject: only this might be observed, that the king was farther

CHARLES
I.

obliged in this kingdom, than in the other; that in England he was tied by his coronation oath to maintain the rights of the Church: and that this single engagement was a restraint upon his majesty's conscience, not to consent either to the abolition of episcopacy, or the alienation of church lands."

This argument was debated by the rest of the divines on each side, for almost two days together. At the close of the dispute, the king's commissioners desired those for the parliament to acquaint them in writing, whether they believed episcopacy plainly unlawful: but to this question they could never get a clear answer.

While the business of religion was under debate, one of the king's commissioners asked an acquaintance of his, deputed by the parliament, why their Directory makes no mention at all of the Creed, or the Ten Commandments? By the way, this question was put when the commissioners were not sitting in their public character, but conversing in a room as friends. The earl of Pembroke, over-hearing what was softly pronounced, answered aloud, with his customary passion, "That himself, and many others, were sorry the Creed and Decalogue were left out in the Directory: that this point had been debated several hours in the house of commons; that the leaving them out was carried by eight or nine votes: and that upon this account the house of peers did not think fit to insist upon inserting them." This was an odd discovery in lord Pembroke; and looked like extraordinary zeal in the members at Westminster, that the Creed and Ten Commandments should be put to the question, and have it carried against them. After several days' debate, the commissioners coming to no agreement either in Church or State matters, the treaty broke up.

The Westminster lords and commons, flushed with their late victory at Naseby, repeated their ordinance for putting the Directory in execution, with penalties upon those who refused to comply, or made use of the Common Prayer. If any person preached or printed against the Directory, he was to forfeit such a sum of money as those who tried him thought fit to impose; provided the sum was not less than five pounds, nor more than fifty. And those who read the Communion Prayer, either in churches or their families, were to forfeit five

The Creed and the Ten Commandments not put in the Directory, and why.
Feb. 22,
A.D. 1644-5.

Id.

August 23,
A.D. 1645.
A second ordinance for establishing the Directory, and putting down the Common Prayer.
Scobel's Collect. of Acts, fol. 97.

pounds for the first offence, as they called it ; ten pounds for the second ; and suffer a year's imprisonment, without bail or mainprize, for the third. CHARLES I.

The king, in November following, published a proclamation, counter to this pretended ordinance ; in which the use of the Common Prayer is strictly enjoined, and the Directory charged with opening a liberty to ignorance and faction. That it is likely to mislead people into wickedness and rebellion : and that, supposing the ministers well intentioned, it must of necessity break the uniformity in God's service, and occasion divisions in the Church.

The Independents moving for a toleration, and publishing their Apology, has been already mentioned. The clashing between the Presbyterians and this party being now grown higher, a committee was appointed for accommodation.

At this committee the Independents request, " they may not be forced to communicate as members in those parishes where they dwell : that they may have the liberty to form congregations of such persons as give good testimony of their godliness, and voluntarily offer themselves for such religious societies ; the tenderness of their consciences not giving them leave to communicate in their parishes."

The assembly-divines, before they came up to a direct answer, insisted upon the following preliminaries :

First, that whatever indulgence they shall agree to, they take it for granted upon what has been already offered by their Independent brethren, that the same Directory for worship, and the same confession of faith, shall be equally imposed upon both parties : and therefore,

Secondly, Whoever falls short of coming thus far towards an uniformity ; whoever refuses to assent to the substance of divine worship held forth in the Directory ; whoever disallows the confession of faith, or dissents from the doctrines of the reformed Churches, contained in their confessions and writings, must not expect the benefit of this toleration. And,

Thirdly, If any one shall clash with the Directory, in his practice, and write or argue against the confession of faith, he must expect to suffer the same penalties the Presbyterians would incur upon such misbehaviour. Having premised this, the assembly divines answered, that the Independents' request was not to be granted for the following reasons.

The king's proclamation against it.

Bibliotheca Regia, sec. 4. p. 334. p. 210.

Papers and Answers of the Dissenting Brethren and the Committee of the Assembly of Divines, &c. for Accommodation, printed at London, 1648. Dec. 4. *The Independents' plea for toleration.*

*The Pres-
byterians'
reasons
against it.*

"1, Because it imports a plain and total separation from the rule; as if it was not to be complied with in any point, nor the Presbyterian Churches to be communicated with in any thing which infers Church communion. More than this, say they, could not be objected against false Churches.

"2. This request supposes the lawfulness of gathering Churches out of true Churches; and over and above out of such true Churches, as are endeavouring a farther reformation: and that in countenance of this liberty, there is not the least example in all the holy Scriptures.

"3. This would encourage perpetual schism and division in the Church, always drawing some off from the Churches under the rule: that the result would end in misunderstandings and animosities between those who went off, and the rest that kept their ground: and the same consequence would happen between the Church deserted and the congregations new formed."

Dec. 23.

To these reasons the Dissenting brethren returned a reply. For satisfying the first reason, they argue:

"That forming congregations of such members as cannot out of tenderness of conscience go through all the conditions required in these Churches; to form such congregations for the pure enjoyment (as these Independents believe) of all ordinances, yet still maintaining communion with the Presbyterians, as Churches; this, they say, is far from separation. It is not setting up Churches against Churches, but only retiring to a neighbourly situation, and constituting sister Churches of a different judgment.

"2dly, They cannot be charged with an open and total separation from the rule, unless they disagree in every thing, and constitute their society upon regulations wholly different with respect to worship and government. But such a distance is far from their intention: they design to practise towards an uniformity, and retain the most substantial things prescribed by the rule itself.

"3dly, They declare themselves willing to maintain occasional communion with the Presbyterian churches; not only in hearing and preaching, but occasionally in baptizing their children in their Churches, and receiving the Lord's supper there."

These were large advances : they professed their agreement with the Presbyterians in the main things : they own them for true Churches, and offered to maintain occasional communion with them. However, all this concession was not sufficient to acquit them of the imputation of schism in the opinion of the assembly divines, who make their rejoinder to this effect.

CHARLES

1.

“1. They argue, that though tenderness of conscience may oblige to forbear or suspend the act of communion in a case scrupled, and supposed unlawful ; yet it does not bind people to a practice repugnant to the will of God ; of which kind they conceive the gathering separate Churches out of true Churches to be an instance.

“2. It is one thing to remove to a congregation under the same rule, and another to a congregation of a different constitution from the rule : in the first case, a man retains his membership, but renounces it in the latter. That this is done, appears from the different judgments he makes touching the very constitution of the respective Churches : for it is the difference of qualities and regulations which make him quit one society and retire to the other.

“3. They reply, that if a Church requires that which is evil of any member, he must forbear compliance, but yet without separation. Thus those both in England and Scotland, who thought kneeling at the communion unlawful, did not separate or renounce membership on this score. On the contrary, some of them defended the constitution of the established Church, against those of the separation. And whereas the Independents had argued upon a supposition of an indulgence from the State, for gathering Churches : to this the Presbyterians answer,—

“4. That the notion of separation is not to be determined by the civil legislature ; not by acts of State, but by the word of God. Now by this rule, the standing off with dislike from any Church, and refusing all ordinary communion, is to separate from such a Church.

“5. They insist, that a total disagreement from Churches, is not necessary to make a total separation. For the most rigid Separatists hold the same rule of worship and government with the Presbyterians. And therefore were this latitude allowed, Novatians, Donatists, and all those that stood

off from Catholic communion, might shelter themselves from the imputation of schism.

“6. The Presbyterians argue, that if the Independents can occasionally exercise these acts of communion with them, once or twice, or thrice, without sinning, they cannot see any reason why they cannot always communicate with them, without sin: and if so, separation and Church gathering would be unnecessary. To separate from these churches ordinarily and openly, with whom we may occasionally join without sin, seems a most unjust separation.”

To their second reason, the Dissenting brethren replied, first, “That it was founded on this supposition, that nothing is to be tolerated which was unlawful in the judgment of those who are to grant the toleration.” This the assembly divines denied, and said, “they argued upon the supposition of unlawfulness of tolerating gatherings of Churches out of true Churches, which the Independents have not endeavoured so much as to prove lawful.”

840. 2. These Dissenting brethren urge farther, “that if after all endeavours, men’s consciences are unsatisfied as to communion with a Church, they are then under no obligation to continue in that communion: neither are such scrupled Churches bound to restrain them from going off to more unexceptionable Churches, or if there happens to be none such, to form a new spiritual society of their own.

To this the divines of the assembly replied, first, “that this reasoning opened a gap for all sects to challenge the same liberty; and, secondly, that this latitude of practice was denied by the Churches of New England.”

The Independents rallied the cause, and argued, first, “that the abuse of the word ‘schism’ has done the Church a great deal of harm; that the signification of it was not yet settled by the State, nor debated by the assembly.”

To this the Presbyterians return, “that if the word ‘schism’ had been left out, the reasoning upon the case would have continued in the same force; that the principle of the Independents gives countenance to perpetual divisions in the Church, still drawing away Churches from under the rule. And what is countenancing an unnecessary and unjust separation but countenancing a schism?—especially when the grounds of this

separation may be pleaded by any erroneous conscience what-
 ever. And thus, by the same equity and parity of reasoning,
 the Church may be broken into as many subdivisions as there
 are different scruples in the minds of men."

CHARLES
 I.

The Independents come on once more, and insist "that this indulgence will give countenance only to godly people's joining in other congregations for their greater edification, who cannot otherwise, without sin, enjoy all the ordinances of Christ; that, by such going off, they do not censure the Churches they retire from as false, but esteem them as members of the body of Christ, and join with them in all duties of worship as far as they are able. And this conscientious practice, they conceive, can neither be called schism, nor countenancing it; and that so deep a censure cannot be justified by Scripture, or any good ecclesiastical authority."

To this the assembly-divines answered, "that this indulgence desired is no better than a licence for perpetual division in the Church; and a constant revolt from the rule must be the consequence of it: for, upon the same pretence, those who scruple infant-baptism may withdraw from the Independent Churches, and go off into another congregation; and, in this new shelter, some danger may be apprehended, and carry the scrupling persons to a farther distance. And are these subdivisions and fractions in Church-government as lawful as they may be infinite? Or must we give that regard to erroneous consciences as to satisfy men's scruples by so unbounded a liberty? Does not this plainly import that error in conscience is a protection against schism?"

"2. The not condemning our Churches as false," continue the Presbyterians, "extenuates the charge of separation but a very little: for several of the Brownists, who have totally separated in former times, have not condemned the Churches they quitted as false. However, though they do not pronounce an open and decisive sentence, their practice amounts to little less: for the very separating supposes error and impurity in the Churches from which they depart."

"3. Though the Presbyterians do not pronounce all difference in judgment or inconformity in practice schism, provided communion is preserved, yet they affirm that joining in congregations of another communion is a plain rupture, splits a society, and amounts to formal schism. And, if the apostle

calls those divisions of the Church schisms, where the Christians did not disagree so far as to separate into distinct and opposite communions, the separation desired by the Independents will lie fuller under that imputation.

“ 4. They affirm, in decisive language, that scruple of conscience is no good plea against the charge of schism. To make the defence unexceptionable, the motives must have more weight in them; and the grounds of separation must be justified from the nature of the thing¹. ”

An ordinance for suspending scandalous persons from the sacrament.

Oct. 20,
A. D. 1645.

Rushworth's
Hist. Coll.
part 4.
p. 210.

To go somewhat backwards: the lords and commons at Westminster gave directions, in an ordinance, for suspending scandalous persons from the Lord's supper. The crimes are too long to mention,—only, it may be observed, rebellion is none of them. Persons of ill fame in any of the particulars were to be examined by the eldership of every congregation. This ordinance concludes with a proviso, that the members of both houses, who are now members of the assembly of divines, or any seven of them, shall be a standing committee to pronounce upon the causes of suspension from the Lord's supper not mentioned in this ordinance.

Some few weeks forward, we meet with another ordinance touching the ordination of ministers.

The person to be ordained was to address himself to the presbytery of his class. By the way, London was divided into twelve classes of ministers; and these divisions in the country were proportioned to the extent of the shires.

An ordinance touching ordination of ministers.

To go on: the candidate for orders was to bring the presbytery a testimonial of his having taken the covenant of the three kingdoms, of his diligence and proficiency in his studies, what degrees he has taken in the university, and how long he has continued there. His age was likewise to be inquired into, which must reach to four-and-twenty years at least. And, to conclude, his morals and regularity of behaviour must be particularly regarded. The rules for examining him are these:—

Nov. 8,
A. D. 1645.
Id. p. 212.

“ 1. The party examined must be dealt with in a brotherly way, with mildness of spirit, and with special respect to the gravity, modesty, and quality of every one.

¹ It was fortunate for the Church that the schism of the Presbyterians was weakened by the schism of the Independents, and that the mischief of division was mitigated by that of subdivision.

" 2. He shall be examined touching his skill in the original ^{CHARLES I.} tongues, and that trial to be made by reading the Hebrew and Greek Testaments, and rendering some portions of them into Latin ; and inquiry also shall be made after his other learning, and whether he hath skill in logic and philosophy.

" 3. What authors in divinity he hath read, and is best acquainted with ; and trial shall be made of his knowledge in the chief grounds of religion, and of his ability to defend the orthodox doctrine contained in them against all unsound and erroneous opinions, especially those of the present age ; of his skill in the sense and meaning of such places of Scripture as shall be proposed unto him in cases of conscience, and in the chronology of Scripture, and of the ecclesiastical history.

" 4. If he hath not before preached in public, with approbation of such as are able to judge, he shall, at a competent time assigned him, and before the presbytery, expound such a place as shall be given him.

" 5. He shall in a competent time also frame a discourse in Latin, upon such a common place or controversy in divinity as shall be assigned him, and exhibit to the presbytery such theses as express the sum thereof, and maintain a dispute upon them.

841.

" 6. He shall preach before the people ; the presbytery, or some of the ministers of the word appointed by them, being present.

" 7. The proportion of his gifts in relation to the place unto which he is called shall be considered.

" 8. Besides the trial of his gifts in preaching, he shall undergo an examination in the premises two several days or more, if the presbytery shall judge it necessary."

After the ordination sermon, the minister that preached was to require the person ordained to make a profession of his belief, and the integrity of his intention in entering upon the holy function. After this, the presbytery, or the ministers deputed by them, were to lay their hands upon the candidate, Id. p. 212. with a short prayer or benediction.

It was resolved by the lords and commons in February following, a choice should be made of elders throughout the kingdom of England and Wales. On the 14th of March this resolution was formed into an ordinance. These elections were to be made by the congregation, or the major part of An ordinance for electing elders.

such as had taken the national covenant: these electors were neither to be minors nor servants. There was likewise a set of persons authorized by this ordinance, called triers, who were empowered to hear and determine all exceptions against the legality of these elections: and here it was farther ordained,—

That all sentences pronounced by the majority of the triers present (provided the number is not under seven) in each classis, shall pass as the act of all the triers of that classis.

*Id. Scobel's
Collect. &c.
fol. 165.*

That the committee of the lords and commons appointed for the judging of the scandal, shall have power to constitute triers within the province of London, where need shall require.

The majority of these triers are laymen throughout the twelve London classes. If any person under censure thought himself injured, he had the liberty of appealing from the congregational to the classical, from the classical to the provincial, and from thence to the national assembly.

And here it may not be improper to observe that this scheme of religion is drawn upon Erastian principles; for the ordinance sets forth that the congregational, classical, provincial, and national assemblies, were all of them to be subordinate to the parliament.

The two houses having spent several months in drawing proposals to be sent to his majesty touching a peace, the Scotch commissioners excepted against part of the draught. I shall mention only their objections relating to religion.

*The Scotch
disagree
with the two
houses at
Westminster
in several
points of
Church
government.*

As to the ordinances of the two houses concerning Church government, they agree with them in the main: only they desire that no godly minister may be excluded from being a member of classical, provincial, and national assemblies. They likewise desire the time for the ordinary meeting of the national assembly may be fixed; with a reserve of power to the parliament to convene them when they please, and with a liberty to the Church to meet oftener upon necessary occasions.

The Scotch commissioners agree with the lords and commons upon the rules concerning suspension from the sacrament of the Lord's Supper; only they desire the congregational eldership may have power to judge in cases of scandal not expressed. This they conceived cannot be construed lodging an arbitrary power in the Church. On the other side, the appointing such provincial commissioners as are settled in

the ordinance, will occasion disputes, create a disconformity CHARLES
I. between this and other churches; and is a mixture in Church government altogether without precedent. This business, therefore, they conceive may be better managed by assemblies of ministers and ruling elders. They likewise agree to the ordinance for ordination of ministers; excepting that whereas this provision is only temporary for a twelvemonth, they desire it may be made perpetual.

Farther, the manner of subjecting Church assemblies to the controlment and decision of the parliament, they conceive very liable to mistakes: the seeming exemption likewise of some distinctions of persons from ecclesiastical censures: the administering the sacrament to some persons against the conscience of the ministry and eldership: these and some other particulars are more than they understand, and may be easily altered to a general satisfaction. As for the remainder relating to the perpetual officers of the Church, together with their respective functions; the order and power of Church assemblies, the directions for public repentance, the rules for excommunication and absolution; all these they desire may be settled pursuant to the covenant, and with the joint advice of the divines of both kingdoms. April,
A.D. 1646.

Notwithstanding this remonstrance, the two houses were unwilling to come under any restraints, or part with their spiritual empire. This aversion appeared sufficiently by a declaration of the commons, in which they acquaint the two kingdoms they could by no means consent to the granting an unlimited jurisdiction to near ten thousand judicatories: that such arbitrary sway was inconsistent with the fundamental laws of this nation, and by necessary consequence excluded the parliament from having any share in ecclesiastical jurisdiction.

Thus the two houses seem to have been afraid of the Scotch discipline, and of being fettered too much in their interest, their pride, or their pleasures. However, the king now broken in the field, retiring to the Scotch army, and casting himself upon the duty and honour of that party, the two houses thought it necessary to come towards a compliance. The Scotch having the advantage of the king's person in their army, were not to be too much provoked. The juncture therefore proving somewhat unfriendly, they passed an ordinance for the "present settling of the presbyterian govern- June 5.

Rushworth,
part 4.
p. 253. et
decine.

An ordi-
nance for
settling

Presbyterial government.

Whitlock's Memorials, p. 213.

ment without delay." This settlement, notwithstanding, was to continue but three years, unless the houses thought fit to prolong the term. But though this government looked but somewhat precarious and short-lived, the London ministers resolved to exert themselves, and practise upon the scheme: to this purpose they published a paper, entitled, "Certain Considerations and Cautions agreed upon by the Ministers of London and Westminster, and within the Lines of Communication, June the 19th, 1646, according to which they resolve to put the presbyterial government in execution, upon the ordinances of parliament before published."

842.

The assembly-divines review some of the Thirty-nine Articles, but break off the undertaking.
Rushworth, part 4.
They make a confession, and two catechisms.

The two houses, who resolved to go through with root and branch work, and settle at the greatest distance from the Church of England, ordered the assembly divines to examine the Nine-and-Thirty Articles. This summary, it seems, was thought to resemble the primitive systems too much; or not to come close enough to Calvin's institutions. These divines carried their review through fourteen Articles, and with some alterations brought them to a conformity with their own notions. But finding the rest too stubborn for their purpose, they gave over the attempt, and pitched upon a different scheme. They thought it more practicable to form a new confession, than reconcile the old one. In this performance they decree the morality of the Sunday Sabbath, pronounce the pope "Antichrist," the "Son of Perdition," and the "Man of Sin." The Calvinian rigours of absolute predestination, irresistible grace, and the impotency of the will, are likewise intermixed. But as to the Presbyterian pretensions to ecclesiastical authority, they fall much short of the Scotch claim. They are so frank as to yield the civil magistrate a power of convening Church assemblies, and of superintending their proceedings, that every thing may be done agreeably to the will of God: and thus the magistracy or civil legislature seems to be made the last judge of controversy. But as to the independency of the Church, the divine right of the presbyteries, and the setting Christ upon his throne, they are altogether silent. By their dropping these privileges, they had in all likelihood handled the pulse of the two houses, and found their veins beat too high to come under such a regimen.

This confession, though imperfectly drawn, was offered by way of "humble advice to the lords and commons," for the

sanction of an ordinance: that being thus fortified, it might pass for the doctrine of the Church of England. These assembly-divines published another composition of their belief. It is called the "Larger Catechism," and is upon the matter little more than giving another dress to their Confession; it is put in the form of questions and answers, to make it pass, it may be, for something new under this disguise. But being somewhat too bulky to be taught in schools, and possibly too difficult for children to deal with, it was afterwards contracted to an epitome, called the "Lesser Catechism," and recommended to public use as more instructive than that in the Common Prayer.

It has been already observed, the two houses spent some time in drawing proposals, to be sent to the king at Newcastle. When this business was finished, the earls of Pembroke and Suffolk, with four members of the commons, were made commissioners. I shall only mention two or three of the articles. The king was desired to swear and sign the solemn league and covenant, and enjoin the taking of it in all his dominions: that a bill might pass for abolishing all archbishops, bishops, &c.: that the assembly of divines might be confirmed, and reformation settled on the foot of the covenant. The king demurring to these points, Henderson above-mentioned came to Newcastle, and importuned his majesty to satisfy the two houses. The king alleging his conscience would not give him leave for such a length of concession, there passed some papers between them on the subject of Church government. To give the reader part of the argument.

The king in his first paper declares, "that no one thing gave him a greater reverence for the reformation of his mother the Church of England, than that it was done according to the Apostles' practice, 'neither with multitude nor tumult.' That it was managed within the forms of the constitution, and governed by those whom his majesty conceived ought to have the conduct of such an affair: that this advantage, amongst many other reasons, made his majesty believe the work was perfect as to essentials: and as to Church government, his majesty observes the English Reformation has kept close to apostolical appointment, and the universal custom of the primitive Church. That therefore the adhering to episcopacy is of the last importance: that by altering the form of the

Heylin,
Aërius Re-
divivus,
p. 473.

Rushworth's
Hist. Coll.
part. 4.
p. 321.
*The king
and Hen-
derson de-
bate the con-
troversy of
Church
government
in several
papers.*
The King's
First Paper,
May 29,
1646,
Acts xxiv.
18.

hierarchy, the priesthood must sink, and the sacraments be administered without effect. For these reasons his majesty conceives episcopacy necessary to the being of a Church: and, over and above, he is bound by his coronation oath, to support the Church in the condition he found it. And, lastly, he desires to know of Henderson ‘what warrant there is in the word of God, for subjects to endeavour to force their king’s conscience? or to make him alter laws against his will?’”

Henderson’s
First Paper,
June 3,
1646.

Henderson, after some introduction of respect, answers “what the king offered from his father’s example, and his own education, by putting him in mind of a saying of St. Ambrose, ‘Non est pudor ad meliora transire;’” that it is neither sin nor shame to change for the better. That Symmachus, in his harangue for the Pagan religion, argues from the topics of antiquity and the constitution: that resembling reasons were urged by the Jews against Christianity, and may be made use of by the court of Rome against the Reformation.” Henderson, being sensible the king might take this for begging the question, endeavours to come a little closer. “He wishes religion was always, when occasion required, reformed by the civil magistrate; and not left either to the prelates or the people. However, he will have it, that when princes are negligent, God stirs up the subject to perform this work. He allows that Jacob reformed his own family; that Moses destroyed the golden calf; that the good kings of Judah reformed the Church in their time. But that such reformation was perfect, he will by no means allow. And for this point he instances the imperfect essays of Asa, Jehosaphat, and Hezekiah, compared with what was carried on by their successor Josiah. From hence he proceeds to arraign the Reformation of king Henry VIII. That it was extremely defective in the essentials of doctrine, worship, and government; that the supremacy was transferred from one wrong head to another; and that all the limbs of the antichristian hierarchy were visible in the body. He cites a saying of Grosted, bishop of Lincoln, that reformation was not to be expected, ‘nisi in ore gladii cruentandi;’ he calls this a hard saying, but not without some reserve of approbation. That the Laodicean lukewarmness in the English Reformation, had been the constant complaint of many of the godly in this kingdom: that it had occasioned more schism and separation than was ever heard of

elsewhere; and been matter of unspeakable grief to other CHARLES
1.
Churches. That it is hoped the glory of this great work is reserved for his majesty: and his soul trembles to think what the consequence may be, if this opportunity should be neglected. And here he takes the freedom to glance a menacing text in Esther upon the king.

Esther iv.
14. *843.

“As to the king’s argument, that the force of the priest’s character, and by consequence the benefit of the sacraments, must be lost in the abolition of episcopacy, he replies, first, that episcopacy cannot make out a claim to apostolical appointment; that, when the apostles were living, there was no modern difference between a bishop and a presbyter, no inequality in power or degree, but an exact parity in every branch of their character; that the apostles, describing the functions of Church-officers, make no mention, either expressly or by implication, of a pastor or bishop superior to other pastors; that, in the ministry of the New Testament, there is a beautiful subordination, one kind of ministers are placed in degree and dignity before another, as the apostles first, the evangelists, pastors, &c.; but, in offices of the same rank and kind, we do not find,” continues this gentleman, “that one had any odds of power or preference in degree before another. For instance, no apostle is constituted superior to other apostles, no evangelist is raised above another evangelist, nor has any deacon a priority above others in that order. Why, then, must we suppose a particularity in the character of a pastor, and that one pastor should have some essential prerogatives and jurisdiction above another? That, in matters of discipline or Church-censures, our Saviour’s direction, ‘Tell it to the Church,’ refers to the congregation, and not to the bishop.

“Farther: he humbly desires his majesty to take notice, that arguing from the practice of the primitive Church and the universal consent of the Fathers is not without a fallacy; that the Papists support their traditions by such reasoning; that the law and the testimony must be the rule; besides, the practice of the universal Church for many years cannot certainly be known; that Eusebius, as this divine misreports him, confesses as much; that, in the apostles’ time, Diotrophes moved for the pre-eminence, and the ‘mystery of iniquity began to work;’ that, afterwards, ambition in some and weakness in others made way for a change in Church-government;

but that all the learned and godly in those early ages gave in to such an alteration, is more than can be proved.

“ This divine takes it for granted his majesty will not deny the lawfulness of the ministry and the due administration of the sacraments in the reformed Churches, in Churches where there are no diocesan bishops ; that it is not only evident from Scripture, but confessed by many of the strongest champions for episcopacy, that presbyters may ordain presbyters ; and that baptisms, administered by a midwife or a lay-person, and by a presbyter not ordained by a bishop, are by no means one and the same thing.”

To disengage his majesty from his coronation-oath, as far as it relates to the Church, he conceives the formal reason of the oath ceases, and by consequence the obligation is discharged. To make this reasoning bear in the application, he observes, “ that when an oath has a special regard to the benefit of those to whom the engagement is made, if the parties interested relax upon the point, dispense with the promise, and give up their advantage, the obligation is at an end. Thus, for instance, when the parliaments of both kingdoms have agreed to the repealing a law, the king’s conscience is not tied against signing the bill, otherwise the legislature would be bound to the present establishment, and the altering any law would be impracticable. But if the king objects the matter of the oath is unchangeable, he refers his majesty to what has been offered upon the former head.”

The king, in his second paper, “ conceives Henderson’s precedents from the Old Testament are no evidence that any reformation is lawful, unless under the conduct of the regal authority ; and that Henry VIII.’s reformation being imperfect, is no proof of any defects of that carried on by king Edward and queen Elizabeth ; that Henderson cannot prove ‘ God has ever given the multitude leave to reform the negligence of princes ;’ and that this divine must grant there is a great difference between permission and approbation ; that Henderson has failed in his promise, and not assigned any reason for refining upon the Reformation since queen Elizabeth’s time : that it was well he called Grosthead’s sentence a hard saying, for the doctrine held forth in it has a very ill complexion ; that his comparing our Reformation to the Laodicean lukewarmness, and citing remonstrances in proof of it, is

but an unhandsome way of begging the question ; for his business was, first, to make out that those men had reason to complain, and that the schism was to be charged upon the conformists ; that he ought to have left the apostolical institution of episcopacy to have been made good by his majesty. However, if he could have proved the presbyterian government practised in the primitive times, the performance had been considerable. On the other hand, the king denies this Church-government was ever set up before Calvin's time, and leaves the proof of the affirmative to Henderson ; that it was his majesty's business to show the lawfulness, the uninterrupted succession, and by consequence the necessity, of episcopacy ; that, in order to this, the convenience of books, and the assistance of such learned men as his majesty could trust, would be requisite ; and that, therefore, Henderson's declining a conference with divines nominated by the king might prove a loss of time.

“ And whereas Henderson pretended a fallacy in reasoning from the ‘ practice of the primitive Church and the universal consent of the Fathers ; ’ his majesty conceives his exception indefensible : for, if the sense of a doubtful place of Scripture is not to be governed by such an authority, it will necessarily follow that the interpretation of the Inspired Writings must be left to the discretion of every private spirit ; that this liberty contradicts St. Peter's doctrine, is the source of all sects, and, without prevention, will bring these kingdoms to confusion ; that the affirming an argument faulty because the Papists use it, or to justify a practice because it is the custom of the reformed Churches, is no satisfaction to his majesty, unless Henderson can prove the latter infallible and always in the right, and the former always in the wrong ; and that Diotrephes's ambition (who directly opposed the apostle St. John) can be an argument against episcopacy, was altogether unintelligible.”

His majesty proceeds, and urges, “ that it was Henderson's part to make good that presbyters without a bishop may lawfully ordain other presbyters. As to baptism, though his majesty conceives nobody will affirm a woman can lawfully administer this sacrament, yet, when it is done, he believes the performance will have its effect. And, as to the holy

CHARLES
I.

2 Pet. i. 20.

844.

eucharist, Henderson cannot deny a lawful presbyter's being absolutely necessary for that celebration.

“As to Henderson's discourse concerning the obligation of oaths, the king is contented to allow his principles, and be governed by his rule. But then he proves this divine is mistaken in stating the case and applying the general reasoning: for, if it is inquired for whose benefit the clause touching religion in the coronation-oath was made, the answer must be, it was made only to the Church of England. And, for the truth of the fact, the king appeals to the record; that it is not in the power of the two houses of parliament to discharge the obligation of this oath; that this Church never made any submission to the two houses, nor owned herself subordinate to them; that the Reformation was managed by the king and the clergy, and that the parliament assisted only in giving a civil sanction to the ecclesiastical establishment. These points being all clear to his majesty, it follows, by necessary consequence, that it is only the Church of England, in whose favour he took the oath, that can release him from it; and that, therefore, when the Church of England lawfully assembled shall declare his majesty discharged, he shall then, and not till then, reckon himself at liberty.”

Henderson's
Second
Paper,
June 17,
1646.

Henderson, in his reply to this second paper, lays it down for a principle, with respect to reformation, “that the prime reforming power is in kings and princes; that, in case they fail, this authority devolves upon the inferior magistracy; and that, upon their failure in this duty, the right descends upon the body of the people; that this principle stands upon the supposition that a reformation is necessary, and that the people's superiors will by no means give leave to the progress of it; that it is granted such a reformation is more imperfect with respect to the instruments and manner of process, and yet commonly more perfect and refined with reference to the product and issue; that the testimonies of Jewel and Bilson, two famous English bishops, might be produced to prove that the tumults in Scotland, at the time of the Reformation, were to be charged upon the opposition of the Papists, and not upon the nobility or people who appeared against error and superstition; that, whether the English Reformation was begun in king Henry VIII.'s time or not, it was left unfi-

nished by queen Elizabeth; the father stirred the humours CHARLES
of the disease, but neither the son nor the daughter discharged 1.
them thoroughly.

“He attempts to make good the exceptions in his first letter, that the government of the Church of England is not ‘built on the foundation of Christ and the apostles.’ He argues, this cannot be denied by those who confess Church-government mutable and ambulatory; that the majority of the English bishops were formerly of this opinion; that they were contented to act under the authority of princes; and that the *jure divino* privilege was not pleaded till lately by some few; that the English Reformation ‘has not perfectly purged out the Roman leaven; that it has depraved the discipline of the Church by conforming to the civil polity;’ that it has added many supplemental Church-offices to those instituted by the Son of God; that such additions are no less unlawful than the suppressing offices warranted by divine institutions.

“Henderson insists, that in his Answer to the King’s First Paper, he brought several reasons to prove that a bishop and presbyter were terms equivalent in Scripture; and that by consequence, there was no difference in the office. And whereas the king averred, that Presbyterian government was never practised before Calvin’s time; he endeavours to disable this assertion, by the answer given by the reformed to a question commonly put by the Papists. For when those of the Roman Communion ask the Protestants, where their Church was before Luther? one part of the answer is, that ‘it is to be found in Scripture.’ The same may be affirmed of Presbyterian government. In proof of this point, the assembly of divines at Westminster have made it evident, that the primitive Church at Jerusalem was governed by a presbytery. In order to the proof of this, they made it appear,

“First. That the Church of Jerusalem consisted of more congregations than one: that this is evident from the multitude of believers, from the number of apostles, and other preachers there, and from the diversity of languages among the faithful.

“Secondly. That all these congregations were combined under one Presbyterian government: that with reference to government, they made no more than a single Church: that Acts xi. 22.
26.

Acts xv.

this Church was governed by elders of the same body, who met together for functions of authority : and that the apostles themselves, in the Church assemblies, acted not in the quality of apostles, but only as elders : that they stated the question, argued on the level, and waved their apostolical privilege. That the same Presbyterian government was settled in the Churches of Ephesus, Corinth, Thessalonica, &c. living the apostles. That this form of government continued many years after : and that at last, when one of the presbytery presided over the rest with the style of bishop, even then, as St. Jerome affirms, ‘ Churches were governed with the joint consent of the presbytery ; and that it was custom, rather than Divine appointment, which raised a bishop above a presbyter.’

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“ To his majesty’s argument, that where the meaning of the Scripture is doubtful, the practice of the primitive Church and the general consent of the Fathers ought to determine the sense ; that, unless this rule is admitted, the interpretation of Scripture must be left to private spirits ;—to disentangle this difficulty, Henderson replies, that, notwithstanding the decrees of general councils and the resolutions of the Fathers upon any point, a liberty must be left for a judgment of discretion ; that this assertion is sufficiently proved by bishop Davenant, not to name any others, in his book ‘ De Judice Controversiarum ;’ that, notwithstanding all the pretensions from the Fathers, a bishop’s having the sole power of ordination and jurisdiction can never be found in the earliest antiquity. To this he subjoins, that many of the Fathers, not knowing what they did, brought that anti-Christ to the birth which was conceived in the apostles’ time ; that, for this reason, they are by no means qualified to pronounce upon the hierarchy ; and that, on the other side, there have been great discoveries of truth since the Reformation ; and that many mysterious things concerning anti-Christ and his train have been brought to light.

1 Tim. iv.
14.

“ To prove presbyters may ordain other presbyters, without a bishop, he cites St. Paul’s advice to Timothy : ‘ Neglect not the gift that is in thee, which was given thee by prophecy, with the laying on the hands of the presbytery.’ And here he observes, that in the New Testament, the word presbytery always signifies the persons, and not the office. And granting the functions of bishop and presbyter were distinct, it does

not follow that the authority and force of the presbyter's character was derived from the bishop. For were not the Evangelists inferior to the Apostles? However, notwithstanding this disparity, they received their commission from Christ, and not from the Apostles. The same may be affirmed of the seventy disciples, who were immediately authorized by our Saviour. It is true, St. Jerom puts the question with some advantage to the bishop where he says, 'quid facit, excepta ordinatione, episcopus, quod non facit presbyter?' But then this Father proves in the same place, from Scripture, that episcopus and presbyter are equipollent terms; and therefore, when he makes ordination the bishops' peculiar, he refers to after-custom, and the innovations of succeeding ages.

CHARLES
1.
Epist. ad
Evag.

"Upon the head concerning the king's coronation oath, this divine declines dilating any farther: he is likewise unwilling to enter upon the question concerning the seat of ecclesiastical supremacy. But, after this reservedness, he makes no scruple to declare, that such a headship as the kings of England have claimed; such a supremacy as the two houses of parliament insist on; *i. e.* an authority to receive appeals from the ecclesiastical judicature, upon the score of their being paramount to the Church in things purely spiritual; such a supremacy as this he utterly disclaims. After this, upon recollection, he returns to the oath. And here he cannot conceive how the clergy of the Church of England are, or ought to be, principally intended in the coronation oath: for granting they were then reckoned the representative Church, yet, even under this notion, they ought to be governed by the interest of the Church collective: for the maxim of *salus populi* being *suprema lex*, will bring the point to this resolution. And, upon this principle, the alterations were made in the Church of Scotland. And if nothing of this kind can be warrantably done without the assent of the clergy, what reformation can be expected in France, in Spain, or in Rome itself? It is not to be imagined the pope, or the prelates, 'will consent to their own ruin.'"

He calls it
in the same
line of sub-
ordination.

His majesty had taken occasion to say, "That if his father, king James, had been consulted upon the question of force and resistance, he would have answered, that 'prayers and tears are the Church's weapons.' Granting this thing, replies this divine, it is neither acceptable to God, nor serviceable for princes, to force the Church to make use of those arms. And

here he takes the freedom to declare, 'he could never hear a reason to prove a necessary defensive war, a war against unjust violence, unlawful.'"

To the king's question, What warrant there was in the word of God for subjects endeavouring to force their king's conscience? He answers, by flourishing with several distinctions, unnecessary to mention, and at last concludes, "That as long as a man's conscience is mistaken, he lies under a necessity of doing amiss. The way therefore to disentangle himself, is to get his understanding better informed; not to move till he has struck a light, and made a farther discovery. For that such an erroneous conscience is part of the old man, which we are commanded to put off."

The King's
Third
Paper,
June 22,
1646.

The king, in his answer to this second paper, "dissents from Henderson touching the seat of the reforming power. His majesty grants, where a general council cannot be had, independent kingdoms may reform themselves: and that this truth is fully proved by archbishop Laud, in his book against Fisher. But that the inferior magistracy and people have any such authority, is more than Henderson has proved. If this point can be proved by Scripture, his majesty is ready to submit. But Henderson's instances out of the Old Testament rather confirm the king in his own opinion: all those reformation being made by princes: that if God had approved a reformation in subjects, there were occasions enough in Palestine, from the immorality of several kings, to have brought on such precedents. But the history in Numbers is a clear evidence of God's disapproving such methods. That this pretended power of the people must either be warranted by direct commission, or subsequent approbation: that when God Almighty's pleasure in favour of the people's reforming can be proved, his majesty will acquiesce: but that all other arguments are wide of the purpose. That private men's opinions, disjoined from the general consent of the Church, signify little. That 'rebels never want writers to maintain their revolt.' That though his majesty has a regard for Jewel's memory, he never thought him infallible: as for Bilson, he very well remembers what opinion the king his father had of the bishop; and that he showed him some favour, in hopes he might retract his singularities.

Cap. xvi.

"As to episcopal government, his majesty is ready to prove

it an apostolical institution; and that it has been handed down through all ages and countries till Calvin's time. And he offers either to make good this point, or yield the argument, as soon as he is furnished with books, or such divines as he shall make choice of. That Henderson has fallen short in proving the Church of England 'not built upon the foundation of Christ and his Apostles.' For supposing the English bishops had confessed Church government mutable and ambulatory, Henderson's inferences would not follow. And, secondly, the king is confident it cannot be proved that most of these prelates maintained this walking position: for their being contented with the constitution of the Church, and the authority and munificence of princes, falls much short of evidence. That the charge of our retaining the Roman leaven, is nothing but bare affirmation. That the accommodating the Church discipline to the civil constitution, should imply a depraving it, his majesty denies: and avers, on the other hand, that without some degree of such conformity, the flourishing of the Church would be impracticable. His majesty proceeds, and tells Henderson, he would do well to show where our Saviour has prohibited the addition of more Church officers than those named by him. And more than that, he is not apprized that the Church of England has offered at any supplement of this kind: for an archbishop is only a distinction in the order of government, and not a new officer: and the same may be affirmed of the rest. And of this kind there are several now in Scotland, which Henderson will not condemn; as the 'Moderators of Assemblies,' and others.

CHARLES
I.

So Henderson expressed himself in his Second Paper.

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"The king denies that bishop and presbyter always import the same thing in Scripture: and that when they do, it must be remembered it was in the apostles' time. Now his majesty believes himself able to prove the order of bishops succeeded that of the apostles: and that the title was altered, and the name of apostle dropped, chiefly in regard to those who were immediately chosen by our Saviour. As for the antiquity of Presbyterian government, his majesty is surprised the assembly divines should understand the history of this matter better than Eusebius. And here he puts Henderson in mind, that in his first paper it was affirmed, the records of the primitive times were dark, and that it was very difficult to come at matter of fact. But it is objected there were several congre-

gations in Jerusalem. What follows from thence?" continues the king: "are there not a great many parishes in one diocese? But the apostles met those of inferior orders for acts of government. What then? do not the deans and chapters, nay, do not the inferior clergy, many times, assist the bishops? The king presses farther, and takes it for granted, that Henderson will not be so hardy as to affirm an equality between the apostles and other presbyters: and yet unless this point can be made good, the arguments for Presbyterian parity are inconclusive. And if this divine can say no more for the Churches of Corinth, Ephesus, Thessalonica, &c. than he has done for that of Jerusalem, it will make no impression upon his majesty. As for St. Jerome, it is well known he was no great friend to bishops: however, take him altogether, he makes a plain distinction between the power of a bishop and a presbyter, by the confession of Henderson himself. The truth is, this father was of a warm temper, and angry with those who seemed to maintain a parity between deacons and priests.

"The king, for settling the sense of controverted places in Scripture, had appealed to the practice of the primitive Church, and the general consent of the fathers. That Henderson ought either to submit to the authority of these judges, or find out better. That he has done neither, nor yet shown how by declining these authorities, the mischief of interpreting Scripture by a private spirit can be prevented. The king confesses, that in case he cannot prove from antiquity, that ordination and jurisdiction are peculiar branches of authority belonging to bishops, distinct from presbyters, he shall then begin to suspect the truth of his principles. As for bishop Davenant's testimony, he refuses to be determined by that prelate. And to Henderson's exception to the fathers, he takes it for begging of the question. And those great discoveries of secrets, unknown to former ages, he looks upon as no better than fancy, and modern invention, till they are farther proved. As for Church ambition, the grasping at the papacy is not the only instance of it. An endeavour to be independent of kings, is, in his majesty's opinion, no argument of humility. And it is possible that papal privilege and pretensions in a multitude, may be as dangerous as when lodged in a single person.

“And whereas Henderson had urged the precedent of ^{CHARLES I.} foreign reformed churches in favour of presbytery; the king answers, that as he is no judge over these reformed societies, so neither does he undertake to censure them: that necessity may excuse many things, which would be otherwise unlawful. But for a clearer answer to this matter, he makes no scruple to declare, that he does not value any thing the more for its being done by a particular church: but esteems that church most, which makes the nearest approach to the primitive doctrine and discipline: that he believes the Church of England stands recommended with this advantage, which is the reason he has so great a regard for her communion. His majesty proceeds to observe, that Henderson has failed in proving that presbyters may lawfully concern themselves in ordinations without a bishop. That it is plain from the New Testament, that St. Paul had a share in St. Timothy’s ordination. That notwithstanding the seventy had their power immediately from Christ, it is evident our Saviour makes a plain distinction between the twelve apostles and the rest of the disciples. ^{2 Tim. i. 1. 6.}

Mark iii. 15.
Luke vi. 13.

“As to the obligation of the coronation oath, the king replies, that though the design of this solemn engagement was for the benefit of the Church collective: does it therefore follow he can be dispensed, without the consent of the representative body? This can no more be done, than the laity without doors can discharge him from any oaths taken for their advantage, without the concurrence of the two houses. As for the pretended impracticableness of reformation upon the king’s principles, his majesty thinks it sufficient to let him know, that ‘incommodum non solvit argumentum.’ To the point of a defensive war against the supreme magistrate; as his majesty owns it a great sin for any prince to oppress the Church, so on the other side, he holds it absolutely unlawful for subjects to make war (though defensively) against their lawful sovereign, upon any pretence whatsoever: and that nothing less than plain proofs from Scripture, can make him depart from this opinion. And that in discourses upon this head, instances, no less than comparisons, are odious.”

“Mr. Henderson, in his third paper, waves most of the points of controversy discussed before, desires to change the method a little, and settle the rule for determining the debate touching Church polity. And here he lays down his majesty’s ^{Henderson’s Third Paper, June 2, 1646.}

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This assertion of Henderson's is a mistake.

principles, that is, the practice of the primitive Church, and the universal consent of the fathers: these grounds of antiquity, perpetual succession, general consent of the fathers, and the universal practice of the primitive Church, are his majesty's grounds for maintaining episcopacy, and interpreting doubtful places of Scripture. And here the king falls in exactly with St. Austin, where he very reasonably infers, 'quod universa tenet ecclesia, nec a concilio institutum sed semper retentum est, non nisi autoritate apostolica traditum, rectissime creditur.' Henderson allows that the colours of truth lie very strong upon this argument at the first view; and does not wonder at its making an impression upon a modest temper. But when it is thoroughly examined, he conceives it will be found of no great weight. For, in the first place, he affirms there is no such primitive testimony, no such universal consent, in proof of the modern episcopacy; there being a great number of the fathers who assert that a bishop and presbyter are of the same order. After having premised this, he offers several considerations to combat the principle, and disable the authority of the primitive Church. He pretends the adhering to St. Austin's rule, resting so much upon ancient practice, Catholic tradition, and the writings of the fathers, has opened a passage to many dangerous errors, and proved a mighty hinderance to reformation.

"He proceeds, and observes, first, that some lay down two rules for determining controversy, the word of God, and antiquity. These two grounds, called canonical authority and Catholic tradition, are received with equal veneration by the Papists: others make Scripture the only rule, and antiquity the authentic interpreter. Now he thinks this latter division of Christians most mistaken; for the Papists bring tradition no farther than to an equality of regard with the inspired writings. But the others set up a ground of belief even above the Scriptures; for the interpretation of the fathers must be the *διότι*, the very formal reason why we believe the Scripture interpretable in such a sense: and thus, contrary to the Apostles' doctrine, 'men shall have dominion over our faith: and our faith must stand in the wisdom of men, and not in the power of God.' And Scripture must be of private interpretation: though St. Peter assures us, 'prophecy came not in old time by the will of man.' And, by this reasoning, as Tertul-

2 Cor. i. 24.

1 Cor. ii. 5.

2 Pet. i. 20,

21.

lian speaks, 'nisi homini Deus placuerit, Deus non erit : ' God CHARLES
I.
must stand to man's courtesy for his deity.

"Secondly, That Scripture cannot be authentically interpreted but by Scripture, is plain from Scripture itself. Thus the Levites (as this gentleman argues) made the law its own interpreter, and had recourse only to one part of Scripture for expounding another.

Neh. viii. 8.

"Thus our Saviour, for a precedent against error, detected the devil's abuse of the inspired writings, and gave the true sense of Scripture, by explaining one text by another : he compared Scripture with Scripture, without alleging the authority of the Rabbins. This was likewise the Apostles' Matt. iv. 4.
7.
method : and thus St. Peter exhorts us to compare the clear light of the apostolical writings with the more obscure discoveries of the prophets : and when we apply for direction to the 2 Pet. i. 19.
fathers, we had need be very cautious not to charge the Scriptures with obscurity or imperfection.

"Thirdly, The fathers themselves maintain that Scripture is not to be interpreted but by Scripture. But for this point he only cites a single testimony from Tertullian : ' Surge, Veritas, ipsas Scripturas tuas interpretare quam consuetudo non novit ; nam si nosset, non esset.'

"Fourthly, He pretends some errors have passed under the shelter of antiquity and tradition ; and here he offers several instances : for example, the error of free-will began with Justin Martyr, and continued till the Reformation ; though he grants it was rejected by St. Austin : and so, as he goes on, was the divine right of episcopacy contradicted by others. Farther, it was universally held by the ancients that the saints departed were not admitted to the beatific vision till the resurrection : the same may be said of the Millennaries' doctrine. And, which, he thinks, comes closer to the question in hand, the ancients were lamentably mistaken touching Antichrist : and that the mystery of iniquity, though the fathers seem not sensible of it, began to work in the Apostles' days. Many other instances, he thinks, may be brought to prove the universal practice of the Church no safe ground to rely on : and particularly that the ancient ceremonies in baptism and the liturgies ; the forming of the *symbolum apostolicum*, the observing anniversary and weekly festivals and fasts, are all un-

warranted by the Apostles. To take off the surprise of so sudden a defection in the primitive Church ; to give a more intelligible account of their going off thus early from apostolical purity, he endeavours,—

“ In the fifth place, to give parallel instances in the Old Testament. He observes the Israelites, in the short interval of Moses’ absence, debauched their religion, and fell into horrible idolatry. Thus, soon after the death of Joshua and his contemporary elders, the next generation revolted from their law, ‘ and did evil in the sight of the Lord.’ Soon after the building of the temple, and settling the priests’ courses by David and Solomon, the worship of God was polluted with idolatry. ‘ When Rehoboam had established the kingdom, and strengthened himself, he forsook the law of the Lord, and all Israel with him.’ And thus in the New Testament the Apostle expostulates with the Galatians, ‘ and wonders they are so soon removed unto another Gospel.’ From all these instances, he infers we have no reason to be surprised there should be a sudden defection in matters of discipline ; especially since this mischief began to operate in the Apostles’ time. He grants it is commonly believed the Church was most remarkable for purity and perfection in those centuries which came nearest the apostolical age : but thinks this opinion not well supported.

“ Sixthly, He insists that the universal consent and practice of the primitive Church is impossible to be known : that many of the fathers were no authors ; that many of their tracts are lost, which might possibly have disagreed with those extant ; that many performances which go under their names are counterfeit, especially upon the subject of episcopacy : and that the rule of St. Austin, above-mentioned, favours tradition too much, and is not to be admitted without caution and restraint.”

The King’s
Fourth
Paper,
July 3,
1646.

His majesty, in his answer to this last paper of Henderson, closes with his method, and “ agrees with him in beginning with the settling of the rule. He puts him in mind of his offering a judge to determine the controversy ; but that Henderson had neither agreed to the reference, nor directed to a better umpire. As for Scripture, though no man can reverence it more, or resign farther to it than his majesty ; yet

when Henderson and himself differ about the interpretation of CHARLES a text, it is necessary for them to apply to some rule to settle ^{I.} the sense. And that without compromising the matter thus 848. far, it is impossible the dispute should be determined. For instance, the king charges Henderson with misapplying 2 Cor. i. 24. His majesty cannot imagine how his principles give other men dominion over his faith, when he makes them only serviceable to support his reason. And which way 1 Cor. ii. 5, can be turned to this purpose, is farther than he understands. For here St. Paul's design is only to mark the difference between human rhetoric and the demonstration of the Spirit: as for interpreting Scripture, this Apostle gives no directions for that through the whole chapter. It is true St. Peter does. But here the king conceives the advantage lies 2 Pet. i. 20. on his side. For since no prophecy or Scripture is of private interpretation, his majesty infers,—

“1. That Scripture is to be interpreted, otherwise the word private would have been omitted by the Apostle.

“2. That the Catholie Church being the surest guide, and the most public authority, ought to be appealed to when the meaning of the Holy Ghost is contested.

“And though Scripture is best interpreted by itself, when parallel places occur, and the case will bear it, does it follow from hence that all other methods are unlawful? And thus, since the king and Henderson differ about the meaning of the Scripture, his majesty concludes there must be a rule, or a judge between them, to give force to their proofs, to make their arguments bear, and put an end to the controversy.”

Thus far his majesty's fourth paper. In his fifth he engages Henderson's “Six Considerations,” and disproves his reasoning.

“To the first his majesty answers, that overflourishing the authority of tradition is no argument against the serviceableness of it: for, though some ignorant fellows should assert the power of presbyters too far, and overstrain their character, would this be a good reason for lessening the regard due to them? By parity of inference,” continues the king, “why may not I safely maintain the interpretation of the Fathers a most excellent support of my opinion? Why may not I depend thus far upon the ancients, though some extravagant

His Ma-
jesty's Fifth
Paper,
July 6,
1646.

people exceed in their reliance, and resolve their faith into this principle?

“Henderson’s second and third considerations, that Scripture ought to be interpreted by Scripture, hath been answered already.

“To the fourth his majesty replies, that to charge the practice of the universal Church with error, is a very bold undertaking: and, unless the article can be made good by clear places of Scripture, Henderson is much to be blamed for this freedom: that this divine mistakes matter of fact, and that the controversy touching free-will was never yet decided by any general council; that, to call the customs and discipline of the Catholic Church errors, is an unpardonable presumption, unless the charge can be proved from Holy Scripture; and that it is not sufficient to say such rites in baptism, forms of prayer, observation of festivals, &c., are not expressly warranted by the apostles. This is no good exception. Those who object to these ancient rites and customs must prove such usages are plainly unlawful by the apostles’ doctrine: otherwise, if the objections come short of this evidence, the practice of the Church is enough in all reason to warrant the custom. And, upon this ground of the Church’s tradition, his majesty will believe the Apostles’ Creed was formed by those inspired writers, till other unquestionable authors can be assigned.

“To Henderson’s sixth consideration his majesty opposes the axiom of ‘*A posse ad esse, non valet consequentia*,’ or that there is no good reasoning from possibility to matter of fact; that the instances of defection, brought both from the Old and New Testament, were marked at their rise, and complained of when they appeared.

“Farther: his majesty denies it is impossible to discover the universal consent and understand the practice of the primitive Church; and that all the reasons advanced to the contrary prove no farther than caution, and are only motives against over-forward belief. His majesty concludes with repeating this remarkable sentence, that, notwithstanding he never esteemed any authority equal to the Scriptures, yet he believes the unanimous consent of the Fathers, and the universal practice of the primitive Church, the best and most

authentic interpreters of God's Word; and, by consequence, CHARLES the best qualified judges between himself and Henderson."

I.
Reliquiæ
Sacræ Ca-
rolinæ,
p. 309. et
deince.

Thus I have reported the substance of the debate; and, on which side the victory lies, shall be left to the reader. By his majesty's manner, one would almost have thought he had lain under no mortification; that the rebellion had been crushed; and that his affairs had been in the easiest posture imaginable. He discovers no marks of dejection or disturbance. He lays down solid principles, looks through Henderson's discourse with great penetration, attacks him in his main strength, and argues with force and perspicuity; and all this without being furnished with common convenience, without books or divines to assist him. Besides, his majesty engaged no ordinary champion: for, to give Henderson his due, he was a person of learning, elocution, and judgment; he made the best of his way, and seems to have been the top of his party. It was credibly reported, as the learned Heylin relates, that Henderson's being worsted in the controversy, threw him into a deep melancholy, which ended in a mortal distemper. Some say he died a convert to his majesty, and that he did him the justice of an extraordinary character in managing a debate of this nature. The English commissioners being informed how well his majesty had performed against Henderson, declined engaging in any dispute, and only desired his answer to their propositions; but these were so unreasonable, the king could give them no satisfaction.

Henderson
retires into
Edinburgh,
and dies.
Hist. Presb.
p. 477.

In October following, the two houses at Westminster made an ordinance for abolishing the name, dignity, and function of all archbishops and bishops, alienating their lands, and settling them in trustees; and, not long after, ordered them to be sold for the payment of debts, and discharging the public faith. And thus the Presbyterian preachers, who had misrepresented the king in their pulpits, given thanks for sham victories, and encouraged the people in their rebellion, gained little at the foot of the account. They expected, it is likely, to have raised their fortunes upon the ruins of episcopacy, and have had their livings augmented with deans and chapters lands; but now they found themselves disappointed, the alienations transferred to secular uses, and the plunder lodged in

An ordi-
nance for
abolishing
archbishops,
bishops, and
selling their
lands.

Scobell's
Collect. &c.
fol. 99, 100,
101.

other men's coffers. Besides, the two houses had bought the king of the covenanting Scots for 200,000*l.*, and wanted to be furnished for paying the purchase-money¹.

S49.

May 1,
A. D. 1647.

After the rendition of Oxford to the rebels, a set of visitors were empowered by an ordinance, to inquire into the malignancy of the university. Before these Reformers came down, a convocation was held, and the occasion opened by Dr. Fell, the vice-chancellor. At this meeting it was unanimously agreed, that the sense of the university, touching the solemn league and covenant, the negative oath, and the Directory,¹ should be drawn up. I shall translate an account of this matter from Wood's History, revised by bishop Fell. The covenant sworn by all degrees in the three kingdoms, is branched into six articles, and omitting the preamble, begins thus :—

*The sense of
the univer-
sity of Oxon
touching the
covenant, the
negative
oath, and
the Di-
rectory.*

“ That according to our respective places and offices, we will sincerely, seriously, and constantly, endeavour to maintain the reformed religion established in the Church of Scotland, with regard to doctrine, worship, discipline, and ecclesiastical government, against the common enemies thereof: and to reform religion in the kingdoms of England and Ireland, in doctrine, worship, discipline, and government, pursuant to the word of God, and the example of the best reformed Churches. We will likewise endeavour to bring the Churches of God in these three kingdoms to the closest union, agreement, and uniformity, possible; in the confession of faith, in the form of ecclesiastical government, in the Directory, Catechism, and worship: that ourselves, and our posterity, may live in the same profession of faith, and maintain a friendly and Christian correspondence, and that the Lord may delight to dwell in the midst of us.”

*The cove-
nant.*

The remaining articles shall be transcribed in the Covenanters' words :—

“ We shall in like manner, without respect of persons, endeavour the extirpation of popery and prelacy; that is, Church government by archbishops, bishops, their chancellors and commissaries, deans, deans and chapters, archdeacons, and all other ecclesiastical officers depending on the hierarchy, super-

¹ The keenness of this remark has excited considerable resentment among our northern neighbours.

stition, heresy, schism, profaneness, and whatsoever shall be found to be contrary to sound doctrine and the power of godliness, lest we partake in other men's sins, and thereby be in danger to receive of their plagues; and that the Lord may be one, and his name one, in these three kingdoms. CHARLES
I.

“ We shall, with the same sincerity, reality, and constancy, in our several vocations, endeavour, with our estates and lives, mutually to preserve the rights and privileges of the parliaments, and the due liberties of the kingdoms, and to preserve and defend the king's majesty, his person and authority, in the preservation and defence of the true religion and liberties of the kingdoms, that the world may bear witness with our consciences of our loyalty, and that we have no thoughts or intentions to diminish his majesty's just power and goodness.

“ We shall also, with all faithfulness, endeavour the discovery of all such as have been, or shall be, incendiaries, malignants, or evil instruments, by hindering the reformation of religion, dividing the king from his people, or one of the kingdoms from another, or making any faction or parties amongst the people, contrary to this league and covenant, that they may be brought to public trial, and receive condign punishment, as the degree of their offences shall require or deserve, or the supreme judicatories of both kingdoms respectively, or others having power from them, for that effect, shall judge convenient.

“ And whereas the happiness of a blessed peace between these kingdoms, denied in former times to our progenitors, is by the good providence of God granted unto us, and hath been lately concluded and settled by both parliaments, we shall each one of us, according to our place and interest, endeavour that they remain conjoined in a firm peace and union to all posterity, and that justice may be done to the wilful opposers thereof, in the manner expressed in the preceding article.

“ We shall also, according to our places and callings, in this common cause of religion, liberty, and peace of the kingdoms, assist and defend all those that enter into this league and covenant, in the maintaining and pursuing thereof, and shall not suffer ourselves, directly or indirectly, by whatsoever combination, persuasion, or terror, to be divided, and withdrawn from this blessed conjunction and union, whether to make defection to the contrary part, or to give ourselves to a detestable indifferency, or neutrality, in this cause, which so much

concerneth the glory of God, the good of the kingdoms, and honour of the king, but shall all the days of our lives zealously and constantly endeavour to continue therein, against all opposition, and promote the same according to our power, against all lets and impediments whatsoever; and what we are not able of ourselves to suppress and overcome, we shall reveal and make known, that it may be timely prevented, or removed. All which we shall do as in the sight of God.

“ And because these kingdoms are guilty of many sins and provocations against God, and his Son Jesus Christ, as is too manifest by our present distresses and dangers, the fruits thereof; we profess and declare before God and the world, our unfeigned desire to be humbled for our own sins, and for the sins of these kingdoms, &c. And this covenant we make in the presence of Almighty God, the Searcher of all hearts, with a true intention to perform the same, as we shall answer it at the great day, when the secrets of all hearts shall be disclosed, most humbly beseeching the Lord to strengthen us by his Holy Spirit to this end, and to bless our desires and proceedings with such success, as may be deliverance and safety to his people, and encouragement to other Christian Churches groaning under, or in danger of the yoke of antichristian tyranny, to join in the same, or like association and covenant, to the glory of God, the enlargement of the kingdom of Jesus Christ, and the peace and tranquillity of Christian kingdoms and commonwealths.”

The university's objection to the preamble.

The university begin their answer, by objecting to the preamble of the covenant; wherein, amongst other things, it is affirmed, that the person swearing had offered several petitions and remonstrances for removing the grievances pretended. But the university deny they had ever petitioned for that purpose. It is likewise suggested in the preamble, that this covenant was formed upon the laudable custom of these kingdoms in former ages. And that it was no more than a copy of a solemn engagement made by the people of God in foreign countries. The university can by no means agree to this assertion: they positively declare, there was never any resemblance of any such combination amongst the English subjects: neither do they know of any laudable precedent (as the preamble speaks) for such a practice beyond sea: on the other

side, some of their own party declare this covenant is a perfect original. CHARLES I.

After this, they make some general exceptions :

First, They cannot understand the annexing penalties to the refusal of this engagement. They conceive the menacing people to a compliance, does not suit the nature of what is tendered. A covenant is a contract. It supposes the voluntary consent of the parties contracting. That proselytes are to be gained by persuasion ; and that the reasons are not to be rammed down with terror and compulsion.

Secondly, This oath cannot be taken without betraying those liberties, which by their solemn protestation they have already engaged to maintain, and are now to repeat the obligation by the third article of the covenant : now the putting an oath upon the subject without the authority of an act of parliament, they conceive is wholly inconsistent with the liberties above mentioned, with the petition of right, and the declaration published by the lords and commons.

Farther, supposing this engagement was not forced by way of authority, but only recommended ; they cannot perceive which way they could be in a condition to acquiesce : for how can it be reconcileable with the duty of subjects to enter into a covenant, where the interest of their sovereign is concerned, without having either his express or presumptive consent ? By doing this, the provision in the 30th of Numbers would by parity of reasoning be applicable to their case : and thus in all equity of construction, it would be in the sovereign's power to make void their engagement.

To this they add, that since his majesty has by proclamation declared his pleasure upon this point ; since he has expressly forbidden the covenant ; which way can the subject engage without a gross failure in the duty of natural allegiance, and that required by statute ? And that upon both these ties they are bound to obey the king's commands, when neither contrary to the holy Scriptures, nor the laws of the realm. After these preliminaries, the university proceeds to argue against the first article.

First, they are apprehensive the contents of this article oblige to a contradiction of the condition of an oath required in Scripture ; where we are commanded to swear in judgment. Now by this article we engage, say they, to support the re-

Some other preliminaries.

852*.

See the Protestation taken in the year 1641, 1 Charles 3. 1b. Jan. 1642.

Exact Collections, p. 859, 860. where it is declared, the king, unless empowered by act of parliament, cannot oblige the subject to take an oath.

The oaths of supremacy and allegiance.

They argue against the first article.

ligion of another kingdom; which as we are not much concerned to know, so we confess ourselves unacquainted with. But as far as the misfortune of these times has informed us, we are of opinion, that as the doctrine professed in that kingdom is not better; so the worship, discipline and government, is worse than our own.

And yet if for the time to come, we should discover any thing in this Scotch religion (which is not impossible) which seems to have a tincture of popery, superstition, heresy or schism, or carries a repugnancy to orthodoxy and good morals; we shall be obliged to endeavour its extirpation by virtue of the next article: and thus one article will bring us under a counter oath to another.

That is, the Scotch pronouncing episcopacy an Anti-christian government: and that rites, indifferent in their own nature, are unlawful in practice. To which may be added, their making their discipline and the Presbyterian government a mark of the true Church, &c.

And to speak clearly, we have, as we conceive, discovered some assertions bordering closely upon superstition and schism. And therefore think it more reasonable to remind the Scotch of correcting their own system, than that we should be pressed to maintain it.

As to the other branch of this article, importing a reformation of religion in this kingdom, with respect to doctrine, worship, discipline, and ecclesiastical government: since reformation necessarily implies alteration; we are not yet satisfied such an attempt is in our power.

First, because by endeavouring a thing of this kind, we should desert from the famous bishops and other eminent divines, who from the beginning of the Reformation to the present time, have by their martyrdom and writings signalized themselves in defence of the Church of England.

Secondly, We cannot charge the Church of England with defects and corruption, without injuring our consciences, and exposing our fortunes and reputation. For we conceive we have very good reasons to conclude the Church of England settled upon a much better consistency with the word of God, and the practice of the Catholic Church, than that religion we must be sworn to maintain by the former branch of the article.

And lastly, We conceive it is impracticable for us to engage without apparent danger of perjury. This covenant being contrary not only to our protestation and solemn vow above mentioned, but likewise to the oath of supremacy.

In their exceptions to the second article, they remonstrate

and argue thus:—We cannot but extremely regret (say they) to find that ancient form of Church government, upon which our reformation was established, and which has since flourished to the envy and admiration of foreigners: to find this form of government marked for destruction without the least reason assigned, either for the necessity, or so much as the conveniency, of so prodigious a change. And over and above, ranged with very exceptionable company, with popery and superstition, with heresy, schism, and profaneness. And as if this censure did not go deep enough, an innuendo is thrown in, as if this form of government was so plainly opposed to sound doctrine, so destructive of the power of godliness, that a man is under a necessity either of endeavouring the demolition of this establishment, or being partaker of other men's sins: now this is more than at present we are able to believe.

CHARLES
I.
—
*Their ex-
ceptions to
the second
article.*

Farther, we desire it may be seriously considered, that if an engagement couched in a resembling form, was put to the city of London, by virtue of which they were all of them obliged to swear, "that without respect of persons they would do their utmost endeavour towards the suppressing of treason, the city government by the lord mayor, aldermen, sheriffs, and common-council; and of all murder, adultery, theft, defrauding the public, &c. for fear of being partakers of other men's sins:" can it be imagined that such an oath could be relished by any citizen, who was not altogether lost to all sense of liberty and courage?

Secondly, It is our opinion we cannot with a safe conscience swear to contribute our endeavours for the extirpation of episcopacy, for these four considerations: that is, if we consider either the thing itself, or ourselves, the Church of England, or the obligations we lie under to his majesty.

First, With respect to the thing itself; we conceive episcopacy, if not strictly *juris divini*, is at least of apostolical institution. That this government has all along spread to the extent of Christianity, and continued through all countries, without interruption for fifteen hundred years together. That during all this long period, there was scarcely any person excepting Acrius, who had the assurance to declare for a parity between bishops and presbyters; and that Acrius was pronounced a heretic for this presumption. And therefore if we

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should swear the suppressing an order so firmly established, and supported by so remarkable a prescription; the Papists would triumph in the first place, and charge us with contempt of antiquity: neither should we be in a condition to throw off the imputation. Besides, by such a compliance, the argument drawn from the judgment and practice of the universal Church (which is the best expositor of Scripture in things not clearly expressed) would be much weakened: and yet this must be granted a good topic for proving a great many things, relating both to faith and manners: and that without such an authority, we should often be at a loss to defend ourselves against Socinians, Anabaptists, and other sectaries. Amongst these points may be reckoned several orthodox applications concerning the attributes and co-equality of the Three Persons in the Godhead; the number, use, and efficacy of the sacraments, baptism of infants, the observation of the Lord's day; and which is most principally valuable, the distinguishing the canon of holy Scripture from human compositions.

Secondly. Swearing this article must be extremely shocking "with respect to ourselves:" for,—

1. All of us, who have taken any degrees, have subscribed the Thirty-nine Articles, and, by consequence, signed the approbation of episcopal government: for, in the Thirty-sixth Article, it is expressly declared, that the ordinal for consecration of bishops "contains nothing contrary to the Word of God."

2. All of us in holy orders have been ordained by bishops. Now, it would be a scandalous return in us, to sign an obligation for setting aside the bishops, who have lent us their hands for conveying our own character.

3. Not a few of us, some years since, petitioned the parliament for the continuance of episcopacy, and subscribed our address; and, since we are not conscious of having done amiss, we should be glad to repeat the same application, provided there was any hope of success.

4. Some of us are members of cathedral and collegiate churches, and owe our subsistence to the distinction of deans, deans and chapters, &c., condemned by this article. Now, unless the thing censured was unlawful in itself, we conceive the obliging people to swear they will "sincerely, seriously, and heartily endeavour" to ruin their fortune, and destroy the

best part of their livelihood, is a sort of usage never put upon ^{CHARLES}
people since the world began. ^{I.}

Thirdly. With regard to the Church of England, we are afraid it is not in our power to swear the attempting the abolition of a government established by authority, and settled upon a long prescription, especially since we have no cogent reason for such an endeavour, either suggested by ourselves or offered by others.

1. On the other hand, we are sensible all alteration in public establishments, besides the disadvantages already in view, brings a great many unforeseen inconveniences, which it is impossible either to prevent or so much as to discover, till the mischief is past remedy. To apply the case: for aught we know, these consequences may follow upon so great a change in ecclesiastical government. And these fears work stronger upon us when we consider that this kind of ecclesiastical government has lasted many ages in this kingdom, and is so closely interwoven with the civil administration, that it may be reasonably feared the taking it away would disconcert the State, and in a great measure unsettle the constitution.

2. Moreover the house of commons has some time since declared that it was never their intention to abolish "the ecclesiastical government, but rather to support all distinctions in the Church of England, in the course of order and discipline, in which they are settled by acts of parliament, and that they should look upon those as mal-intentioned persons who raised any jealousy to the contrary." Now, since the commons (continues the university) have declared themselves in this manner, it would be the last imprudence in us to bring ourselves under the imputation of fomenting such a jealousy: for thus, over and above, by swearing the second article, we should make ourselves liable to the penalties mentioned in the fourth.

3. Since several acts of parliament declare the holy Church of England "founded in the state of prelacy," we are afraid the extirpating prelacy should overturn the foundations; and thus, as far as in us lies, we should make ourselves instrumental in precipitating the ruin of a most flourishing Church: a Church, which both the dictates of our conscience and the particular regards of our station oblige us to support and maintain.

Their last reason for in compliance with this article is drawn

Dec. 15.
A.D. 1641.
Exact Coll.
p. 19.

Statute of
Carlisle,
25 Edw. 1.
cited in
25 Edw. 3.

from the oath of supremacy, from the insecurity of the prerogative, if the Presbyterian discipline should prevail; and from the sacrilegious alienation of the Church's patrimony, which appears to be the consequence of this project.

Having gone over these two articles, the remainder of the covenant is despatched with more expedition.

They argue against the third article. The third article, as the convocation goes on, sits uneasy upon us. Here our profession of loyalty is clogged with a dangerous limitation. We swear ourselves ready to maintain and defend the king's person and authority "in the preservation and defence of the true religion and the liberties of the kingdom."

Our exception to this clause is,—

1. Because neither the oaths of supremacy or allegiance, the solemn protestation or the Word of God, have any such limitations.

2. Our endeavour for preserving the rights and privileges of parliament are sworn in the same article without any condition or reserve.

3. This qualifying restriction leaves the subject, as it were, at large in his allegiance, and makes a loose provision for the crown: so that, whenever the people have a mind to desert from their duty to his majesty, this mysterious clause will furnish them with a colour for their misbehaviour.

4. After we have sworn the article with this limitation, and broke in so remarkably upon the prerogative-royal, it will look like a strange piece of assurance to appeal to the world at the same time, "that they may bear witness with our consciences of our loyalty, that we have no thoughts or intentions to diminish his majesty's just power and greatness."

5. Lastly, the swearing with this limitation seems a new and incomprehensible instance of allegiance. There is room enough in it for the most mistaken and dangerous conscience; and the most bigoted Papists, the rankest heretics and sectaries, may easily swallow it.

The fourth article contested.

As to the fourth article, we desire these few things may be thoroughly considered:—

1. Whether it does not lay a necessity upon the son of informing against his father, and prosecuting him to death, in case he believes him an incendiary, a malignant, &c.?—But to

pursue so close and venerable a relation in this manner is, in CHARLES our opinion, flying in the face of nature, and a plain revolt from 1. all religion and humanity.

2. We desire to know whether this clause does not open a passage to parricide, and other outrageous villanies of this nature? For, under the pretext of the covenant, children may assassinate their parents, husbands murder their wives, and one relation destroy another: for, if any of these happen to lie in the way of interest or pleasure, it is but charging them with malignancy, and the work is done. 852.

3. Since, by our solemn protestation, we have obliged ourselves to maintain "the liberty of the subject,"—since the house of commons have publicly censured all instances of arbitrary government,—should we not scandalously betray the birthright of Englishmen and the privilege of the subject, if we should swear a resignation of our lives, of our liberties, and fortunes, to such arbitrary justice, to such uncertain, undistinguished judges, as may call us to an account upon the highest charge, and condemn us without form of law, and, after all, indemnify themselves, and retire under the protection of this article?

The substance of the fifth article relates to the settling and preserving the "peace and union" of the three kingdoms. Their reasons against the fifth article. This is both our duty and inclination, to promote by all defensible methods; and, therefore, we should very willingly swear this part of the covenant, were it not for two obstructions.

1. We cannot yet discover the happiness consequent upon the blessed peace in the three kingdoms, mentioned in this article. For the war not only rages in Ireland, but the other two kingdoms continue embroiled.

2. Since justice is the only solid basis for peace, and this virtue cannot subsist without giving every one their own, it is incredible to us that these kingdoms should ever enjoy a lasting peace, unless the king, the parliament, and the subject, have their due shares of authority, power and liberty, inviolably maintained: and that all this be done pursuant to the laws and ancient usages of each kingdom: and which were never contested till the late commotions.

Farther, our consciences are by no means satisfied with the sixth article.

The lawfulness of the sixth article disproved.

1. Because the whole article stands upon a supposition, which we could never find supported with any solid reasoning. The thing taken for granted is, that this covenant of mutual defence engaged in for carrying on the late war, "is the common cause of religion, liberty, and peace of the kingdoms, and has a great tendency to promote the glory of God, and the honour of the king."

Rom. iii.

2. Granting this supposition was clear enough to command our assent, yet we cannot see which way our consciences could get through the remainder of the article, unless it could be farther demonstrated that the means used in maintenance of this clause were unquestionably lawful. For since "evil is not to be done that good may come on it:" we are not at present sufficiently convinced that the "interest of religion, the glory of God, the public repose, the good of these kingdoms, and the honour of the king," can always be promoted by methods unsuitable to the ends pretended; and which, as far as we understand, have no manner of countenance, either from the laws of God, or those of the realm.

The scandalous prayer in the conclusion of the covenant.

Lastly, We cannot read the conclusion without astonishment: for here the Covenanters beg of God Almighty, "that all other Christian Churches may be encouraged by their example to join in the same or like association and covenant, for delivering themselves from the yoke of Antichristian tyranny."

Now, not to mention our knowing nothing of the Antichristian yoke these kingdoms lie under, or of our being delivered from this grievance by the covenant and civil war, waiving our ignorance of this matter, we cannot at present discover any such blessings consequent upon this covenant, as to make it part either of our prayers or wishes, that other churches should follow the precedent.

To put up our petitions to God Almighty for this purpose, would, in our opinion, be in effect to pray:—

First, That God would inspire the Church with the spirit of animosity and discord; bring war and confusion upon Christendom, and banish peace and good correspondence from the face of the earth.

Secondly, That the reformed religion, and the very name of Protestancy, may be hated and hissed through the universe.

Thirdly, That all the princes of Europe may be cautioned CHARLES
I.
to treat the Protestants with rigour, or rather to expel them their dominions; for that otherwise it is impracticable for crowned heads to sit safe upon the throne.

And to despatch their conclusion, supposing the Antichristian yoke should be put upon the subjects' neck by their lawful princes; in this case we are not to throw it off by applying to force: this would be "resisting the ordinance of God:" on the other hand, such an affliction ought to be undergone with Christian fortitude. We must boldly confess the truth, "endure the cross," and maintain our conscience with passiveness and submission to the government.

After this disproof of the lawfulness of the covenant, the university proceeds to charge the articles with contradiction, obscurity, and farther dangerous meaning. And in the close they return an answer to the arguments usually made use of in defence of this engagement: and here they expose the Covenanters' fallacies with all imaginable clearness, and shew the insignificancy of the subterfuges they retire to.

The convocation having done with the covenant, go on to the "Negative Oath," which stand thus:—

"I, A. B., sincerely swear, that during this war, I will *The negative
oath.*
neither directly nor indirectly adhere to, or voluntarily assist the king against the parliament; or contribute to the service or assistance of any forces whatsoever, which shall be levied without a warrant from both houses of parliament. I likewise swear to resign myself to the power and protection of the parliament, and to a submission to that authority, without any intention or reserve which may be prejudicial to the present parliament, or their interest. And all this I swear without any command from the king, without any communication or concert with him, or advice of the king, his council, or other ministers whatsoever. So help me God, through Jesus Christ, preached in this holy Gospel."

This oath, we are afraid, (say the university) cannot be *Reasons
against it.*
taken without throwing up that liberty, which by prior obligations we are engaged to maintain: for forcing an oath upon the subject, without any warrant from law, is, as we think, plainly subversive of this liberty.

2. This negative engagement is a direct breach of that duty a subject naturally owes to his prince, and evidently counter to the oaths of supremacy and allegiance, already taken by us. By all which solemn ties we are bound to defend the king to the utmost of our power. Whereas by this negative oath we must swear, and swear heartily, we will not defend his majesty, nor afford him any assistance.

853. Farther, we cannot come under this new obligation without falling foul on the third article of the covenant, and diminishing his majesty's just power and greatness in a very remarkable manner: that is, by owning an authority in either, or both houses of parliament, in opposition to his majesty. Whereas we frankly declare, it is farther than we understand, that any lawful authority un subordinate to the crown, can be exercised in this kingdom.

*And against
the Pres-
byterian
discipline
and Di-
rectory.*

As to the provision for settling the Church discipline and the Directory; the university are not satisfied of their being at liberty to obey an ordinance of the two houses, not confirmed with the royal assent: especially, considering these ordinances command things contrary to the statutes of the realm: and which looks still somewhat more surprising, declare an authority in the two houses, for repealing the laws and statutes passed by king, lords and commons. Now since making and unmaking is a property peculiar to the same authority, the university cannot understand, an inferior power or jurisdiction, can null the acts of a superior.

With reference to ecclesiastical discipline, they cannot submit to the ordinance touching that matter, without consenting to the abolition of an establishment, so much recommended by antiquity, so firmly settled by law, and so well accommodated to the civil government. And here, after some exceptions to the Presbyterian scheme, they proceed to the ordinance for the Directory. By this ordinance the Common Prayer is suppressed: the university therefore declare, their consciences will by no means allow them to consent, for the following reasons. 1. Because the greatest part of them have subscribed their approbation of the Common Prayer: solemnly promising, that they would make use of no other form in the public service: that pursuant to their promise and subscription, they had all along officiated by this book to their great comfort and benefit. And farther, they

do not believe there are any passages really exceptionable in the Liturgy. Nothing but what has been sufficiently defended: nothing but what they believe themselves able to maintain against all cavil, and opposition whatsoever. After this, they insist upon the obligation they lie under for officiating by the Common Prayer, from several statutes provided for this purpose: but these I have had occasion to mention already.

This resolution upon the covenant, the negative oath, &c. after having been considered in the colleges, passed smoothly in convocation. It was carried by an universality; one member excepted, who came from Geneva. This, considering the circumstances they were under, was a bold piece of honesty, a noble defence of the Church and constitution. The town was now garrisoned with parliament forces. The visitors, they knew, must take their apology for an open defiance. However, they had the courage to assert their principles and face a victorious rebellion. They chose rather to abandon their fortunes and risk their lives, than suffer in their conscience, tarnish their honour, and submit to a criminal compliance¹.

Neither the assembly divines, nor any others of that party, had the courage to return an answer to this apology. To finish this matter, I shall break through the regards of time and observe, that after the restoration of king Charles II., when the parliament sat at Oxon, the commons ordered thanks should be returned the university, for having made so learned and noble a stand. The order runs thus:

“Martis, 31 Octob. 1665.

“Resolved,

“That the thanks of this house be returned to the chancellor, master and scholars of the university of Oxon, for their remarkable loyalty to his majesty's father of happy memory, in the late rebellion: especially for that extraordinary instance of their duty, in making a bold opposition to the rebellious visitors, and refusing to submit to their league and covenant: and lastly, for the illustrious performance they

Tam spectata fidei et incensæ constantiæ documentum frustra quisquam contra Oxoniam quesiverit.

Wood's Hist. et Antiq. Univ. Oxon. lib. 1. p. 335.

The parliament at Oxon return the chancellor and students thanks for the book called, “The Judgment of the University.”

¹ This apology of the Oxford university in favour of the Establishment is certainly a very admirable composition, rendered interesting in the highest degree by the circumstances of the case.

printed, entitled, 'The Judgment of the University;' in which they have learnedly maintained the justice of the king's cause."

Wood,
ibid.

As to the visitors, what they could not deal with in argument, they answered by force; and turned out the heads and most of the members of the university for refusing the covenant, and the other novel and rebellious engagements.

Wood,
Lord Cla-
rendon.
*The loyalty
and suffer-
ings of the
university of
Cambridge
during the
rebellion.*

And here it may not be amiss to give a brief account of what the university of Cambridge suffered, during the course of this unnatural war. To begin: in the year 1641, the masters and fellows of all the colleges sent their plate to the king then at York. This piece of loyalty was interpreted encouraging the war, and made a great crime by the two houses at Westminster: and to fright the university from assisting the king any farther, Dr. Beale, Dr. Martin, and Dr. Stern, masters of St. John's, Queen's, and Jesus colleges, were sent guarded up to London, and imprisoned in the Tower, for their forwardness in the plate business. The next year Dr. Holdisworth was seized, and put in the Tower for executing the king's command, and printing his declarations at Cambridge. About the same time, the vice-chancellor and heads of houses summoned to meet in the consistory, were required to contribute to the assistance of the parliament: for such a compliance would set them right in the opinion of the two houses, and wipe off the imputation of malignancy. But they refused to gratify the rebels; and frankly told them, that contributing to such purposes was not to be reconciled to true religion and a good conscience. For this handsome declaration some of them were afterwards imprisoned. About this time the earl of Manchester was sent down by the two houses to purge the university of malignant members, as they called them. To give light into this matter, and make their scrutiny more significant, an oath of discovery was put. This test obliging them to inform against their friends, tutors, and masters, and betray the interest of their societies, was universally refused: it was likewise contrary to their statutes, viz. "Non revelabis aliquod secretum collegii, nec malum aut damnum inferes cuilibet sociorum." Not long afterwards, the members of the university were all ordered to appear within twelve days, and take the covenant. This, not to mention the thing, was thought a great hardship with respect to the short warning. And therefore Ash, one of the lord Manchester's

Querela
Cantabri-
giensis,
p. 20.

chaplains, reports they had longer time afterwards given them. But no leisure for recollection could reconcile them to this compliance: the covenant was generally refused, the non-compliers turned out of their preferments, and ordered to quit the university within three days. In Queen's college they made a thorough reformation: the master, all the fellows, and scholars were turned out; for here they could not debauch so much as a single member of the foundation. The masters or heads of the following colleges were ejected, viz.

CHARLES
I.
Fuller's
Hist. of the
University
of Cam-
bridge,
p. 167. et
deinc.
854.

1. *Peter-house*.—Dr. John Cosens, dean of Peterborough, and prebendary of Durham.
2. *Clare-hall*.—Dr. Thomas Pask, archdeacon of London.
3. *Pembroke-hall*.—Dr. Benjamin Laney, dean of Rochester.
4. *Caius-college*.—Dr. Thomas Badgeroft.
5. *King's-college*.—Dr. Samuel Collins, the king's professor.
6. *Queens'-college*.—Dr. Edward Martin, chaplain to archbishop Laud.
7. *Catharine-hall*.—Ralph Brownrigge, bishop of Exeter.
8. *Jesus-college*.—Dr. Richard Stern, chaplain to archbishop Laud.
9. *St. John's-college*.—Dr. William Beale, chaplain to the king.
10. *Trinity-college*.—Dr. Thomas Cumber, dean of Carlisle.
11. *Emanuel-college*.—Dr. Richard Holdsworth, archdeacon of Huntingdon.
12. *Sidney-college*.—Dr. Samuel Ward (in effect but a prisoner) died a natural death.

To this list may be subjoined some other misfortunes suffered by the university: The soldiers were quartered in their colleges, their chapels plundered and defaced, the Common Prayer-books torn in St. Mary's before the coming out of the suppressing ordinance. Their bridges were broken, their materials for building seized, their groves felled; and, which was almost an irreparable damage, a choice collection of antiquity in coins and medals, weighing twenty-two pounds, was plundered from St. John's college. And for a further mortification, their estates, formerly exempted, were taxed, and the assessment proportioned by the townsmen.

To proceed: a general assembly met at Edinburgh on the 4th of August this summer. Two of the Scotch com-

missioners, Bailly and Gillespy, who sat with the divines at Westminster, produced a copy of the Confession of Faith made by the assembly at Westminster, part of their Catechism, the Directory, and Rouse's Paraphrase on the Psalms. Gillespy likewise laid a copy before them of the prolocutor's speech, made to him at his taking leave of the assembly at Westminster.

The Westminster prolocutor's speech to Gillespy, a Scotch minister and commissioner, at the Westminster assembly.

By the prolocutor's speech, it appears Gillespy had dropped some suspicion of the English assembly's defection. The grounds for this imputation, the prolocutor endeavours to disprove. "He excuses the Directory's not being punctually observed; complains the assembly have no power to call offenders to account; 'and that the Lord was pleased still to exercise them with many wrestlings.' He confesses their affairs are very much embarrassed, and that they are, as it were, in a chaos at present. He takes notice what distress the parliament was formerly in; that the common enemy, (meaning the king) was high and strong; and that their extraordinary success was owing to the prayers of their brethren of Scotland, and other Protestants abroad. He makes an apology for their not returning an answer to several letters sent them from the Edinburgh assembly. And here he puts Gillespy in mind of the restraints they lie under from the parliament: and that this was no proper juncture to apply for leave, it being a time of general darkness and sad apprehension." Their meaning is, they were afraid the Independents would top them, pull their scheme in pieces, and set up their own fancies; which happened accordingly.

MS. penes Honorab. Archibald Campbel. Armig.
This speech of the Westminster prolocutor is attested by Adoniram Byfield, clerk or actuary to the assembly, August 7, 1647.
The Swiss Protestants' letter to the general assembly at Edinburgh.

The next day, this Mr. George Gillespy gave the Scotch assembly a letter from the Churches of Zurich, Berne, Basil, and Schaffhausen, in Switzerland, directed to the assembly at Edinburgh.

In the beginning of their letter they profess a hearty friendship and strong sympathy with the Scotch Covenanters, and regret the civil commotions. A great part of their letter is spent in lamenting the misfortune of the elector palatine, and that his interest was no farther considered in the treaty at Munster. By the way, this elector palatine, for whom they solicit so earnestly, had deserted the king, his uncle, at York; notwithstanding his majesty had interposed so far in his nephew's behalf, and embroiled his affairs for his restitution:

notwithstanding all the assistance given this elector and his father, he left the king at York, transported himself to Holland, returned afterwards to England, caressed and joined the two houses at Westminster, and sat in the assembly of divines.

To return. These Swiss take their leave with a prayer, "That God would dispose the king to a reconciliation with the Scots, and their Church government."

And thus, notwithstanding his majesty's manifesto to justify the English hierarchy, to expose the innovations and dangerous practice of the Covenanters; notwithstanding this precaution, these foreign Protestants close with the revolvers, address them with respect, take them into intimacy and union, and make themselves a party to the British rebellion.

About two months forward, the general assembly at Edinburgh appointed a fast throughout the kingdom, and assigned several reasons for this public humiliation.

They begin with a complaint, "That 'notwithstanding their solemn engagement, a multitude of heinous sins abound every where in the land, and that they fall short of that sobriety, righteousness, and holiness, which becomes the Gospel. They suggest the great danger to religion and civil government, from the prevalency of the sectaries in England: and that this kingdom has made a fearful defection from the solemn league and covenant. They lament the distressful condition of those who are zealous for the work of God in England: that such good people are now oppressed by those, who, under the pretence of liberty, aim at no less than tyranny and arbitrary power. And, lastly, they instruct the people to pray, that God would preserve the king from farther snares, 'and bow his heart to the obedience of his will in all those things that concern religion and righteousness.'"

The reason of the Scotch complaining thus tragically of the apostacy in England, was occasioned by a surprising turn which happened in the beginning of June last. For when the Presbyterian party had disabled the king in the field, and got him into their custody at Holdenby; when they had battered down the Church, ousted the greater part of the regular clergy, and procured a settlement of their discipline from the two houses; when they had surmounted so many difficulties, and thought their prosperity established; when they were thus far ad-

CHARLES
I.
In the year
1642.
Whitlock's
Memorials,
p. 97. 103.
et alib.
MS. penes
Archib.
Campbel.
Armig.

See above.

The Edinburgh assembly complain of apostacy in England.

1d. MS. et
Rushworth's
Hist. Coll.
part 4.
p. 644.

June 4.
The Presbyterians ousted by the Independents.

855.

vanced, they met with unexpected misfortune. For the two houses having brought the war to an end, and dismissed the Scots, resolved the disbanding a great part of the army. But these measures were by no means acceptable to some of the general officers. They were altogether unwilling to quit their commands, and lose the advantage of so much hazard and fatigue. These men therefore declared against disbanding, stood on their guard, and marched towards London, contrary to the orders of the two houses. After this, they proceeded more directly towards a rupture, and impeached eleven members of the house of commons of high treason. And being sensible how serviceable the king's person would be to them, they sent cornet Joice, with a party of horse, to bring his majesty to their head-quarters at Woburn, in Bedfordshire. Joice executed his commission, and succeeded in the attempt, without meeting with any resistance. And thus the Presbyterians having embroiled the kingdoms, kindled and carried on a calamitous war, during which, more seats were plundered and burnt, more churches robbed and profaned, more blood spilt, within the compass of four years; and, in short, more frightful scenes opened of ravage, of slaughter and confusion, than had been acted in the long contest between the houses of York and Lancaster; the Presbyterians, I say, after having thrown their country into all this misery and convulsion, met with nothing but infamy and disappointment. For after having wrested the sword out of the king's hands, and brought the rebellion to their wishes, when they thought of nothing less than dividing the prey, and raising vast fortunes out of crown and church lands, their hopes were suddenly scattered, they were turned out of their scandalous acquisitions, and publicly exposed to contempt and scorn. For now the Independents forced them to retire from Westminster, seized their posts, and made themselves masters, upon the matter, both in Church and State. But of this more afterwards.

As for religion, it was in no better condition than civil interest: the Presbyterians preached up the purity and the power, till they left neither. I shall make a report of this matter from an eminent champion for the cause: it is Edwards, who wrote the "*Gangræna*;" a book in which the errors, heresies, blasphemies, and lewd practice, which broke out in the last four years are recited. This divine, in his dedication

Whitlock's
Memorials.
Rushworth's
Hist. Coll.
part 4.

Dugdale's
Short View
of the Trou-
bles of Eng-
land, p. 558.
et deince.

From 1642
to 1646.

to both houses, sets forth how firm he had been to their service, and how forwardly he had engaged when their affairs were most unpromising. He tells them he had laid out his fortune, and exposed his person in the pulpit and the field; and all this when some of the grandees were ready to disengage and shift for themselves. A man thus well affected, we may be sure would not make things worse than they were, nor paint the new reformation in the harshest complexion. Let us hear then what account the gentleman gives of this matter.

CHARLES
I.

“Things every day,” says he, “grow worse and worse; you can hardly imagine them so bad as they are. No kind of blasphemy, heresy, disorder, and confusion, but it is found among us, or coming in upon us. For we, instead of reformation, are grown from one extreme to another; fallen from Seylla to Charybdis; from popish innovations, superstitions, and prelatial tyranny, to damnable heresies, horrid blasphemies, libertinism, and fearful anarchy. Our evils are not removed and cured, but only changed: one disease and devil hath left us, and another as bad is come in the room. Yea, this last extremity into which we are fallen, is far more high, violent, and dangerous, in many respects, &c. Have we not a deformation, and worse things come in upon us than ever we had before? Were any of those monsters heard of heretofore, which are now common among us, as denying the Scriptures, &c.? You have broken down the images of the Trinity, Virgin Mary, Apostles; and we have those who overthrow the doctrine of the Trinity, oppose the divinity of Christ, speak evil of the Virgin Mary, and slight the Apostles. You have cast out the bishops and their officers, and we have many that cast down to the ground all ministers in all the reformed Churches. You have cast out ceremonies in the sacraments, as the cross, kneeling at the Lord’s Supper; and we have many who cast out the sacraments of baptism and the Lord’s Supper. You have put down saints’ days, and we have many who make nothing at all of the Lord’s-day and fast-days. You have taken away the superfluous, excessive maintenance of bishops and deans, and we have many that take away and cry down the necessary maintenance of ministers. In the bishops’ days we had singing of psalms taken away in some places, conceived

*Abundance
of heresies,
blasphemies,
&c. maintained since
the beginning
of the rebellion.*

prayer and preaching, and, in their room, anthems, stinted forms, and reading brought in: and now we have singing of psalms spoken against, and cast out of some churches: yea, all public prayer questioned, and all ministerial preaching denied. In the bishops' time, popish innovations were introduced, as bowing at altars, &c.: and now we have anointing the sick with oil. Then we had bishoping of children, now we have bishoping of men and women, by strange laying on of hands. In the bishops' days we had many unlearned ministers; and have we not now a company of Jeroboam's priests? In the bishops' days we had the fourth commandment taken away; but now we have all the ten commandments at once, by the Antinomians; yea, all faith and the Gospel denied. The worst of the prelates, in the midst of many popish, Arminian tenets, and popish innovations, held many sound doctrines, and had many commendable practices: yea, the very Papists hold and keep to many articles of faith and truths of God, have some order amongst them, encourage learning, have certain fixed principles of truth, with practices of devotion and good works; but many of the sects and sectaries in our days deny all principle of religion, are enemies to all holy duties, order, learning, overthrowing all; being '*vertiginosi spiritus*,' whirling spirits. And the great opinion of an universal toleration tends to the laying all waste, and dissolution of all religion and good manners, &c. What swarms are there of all sorts of illiterate mechanic preachers; yea, of women and boy preachers: what liberty of preaching, printing of all errors, or for a toleration of all, and against the Directory, Covenant, monthly fast, Presbyterian government, and all ordinances of parliament in reference to religion?—These sectaries have been growing upon us, ever since the first year of our sitting, and have every year increased more and more."

Gangræna,
Epist. Ded.

And to dismiss this author, he reckons no less than one hundred and seventy-six heretical and blasphemous tenets, maintained by the sectaries in the compass of time abovementioned¹.

The next remarkable occurrence, is the treaty in the Isle of Wight. In this island his majesty was confined after his

¹ Edwards's *Gangræna* affords an awful warning to those who by means of rebellion, would bring about reform, and do evil that good may come.

escape from Hampton-court. The party of the two houses, CHARLES
 who were willing to preserve the king, though under their own ^{1.}
 direction, prevailed so far as to send commissioners down, and 856.
 propose an accommodation. The treaty commenced on the
 fifteenth of September. I shall only relate that part of it in ^{Sept. 15,}
 which religion is concerned. And here the two houses con- ^{A.D. 1648.}
 sented that several bishops and other divines might wait on ^{The treaty}
 his majesty, inform him in any points of controversy, and ^{at the Isle of}
 resolve any difficulties intervening upon the course of the ^{Wight.}
 argument. The divines, who attended the king, were Juxon
 bishop of London, Duppa bishop of Salisbury, Dr. Sanderson,
 Dr. Sheldon, Dr. Fern, Dr. Henchman, Dr. Morley, and
 some others. Notwithstanding this liberty, the commissioners
 acquainted his majesty, they could not admit any person
 should be present in the room where the treaty was debated:
 this preliminary made the assistance of the bishops and the
 rest, in a manner, insignificant. At last the commissioners
 and his majesty agreed, that the bishops and divines might
 stand behind a curtain, and hear what passed: and when any
 difficulty occurred, the king might retire to his chamber, call
 those he thought proper to advise with, and then return to
 the commissioners, argue farther upon the point, and declare
 his resolution. The parliament divines were Mr. Stephen
 Marshal, Mr. Joseph Caryll, Mr. Richard Vines, and Mr.
 Lazarus Seaman. The question debated was, Whether epis-
 copacy was of Divine institution? The method was by ex-
 changing of papers. The king's argument was read by Mr.
 Philip Warwick, and Mr. Vines read what was drawn up by
 himself and his assistants. The business of the king's first ^{Oct. 2.}
 paper was to prove that the Apostles, by commission from our
 Saviour, exercised a distinguished and peculiar authority in
 ordinations, in settling Church regulations, and inflicting cen-
 sures: that St. Timothy and St. Titus had a character con-
 veyed to them from the Apostles for exercising the said power
 in the three branches last mentioned: and that the Angels of
 the seven Churches, mentioned in the Revelations, were all ^{John xx.}
 single persons, had an authority paramount over their re- ^{21.}
 spective Churches, and superintended both pastors and people. ^{Tit. i. 5.}
 From these grounds the king inferred the Divine institution ^{Rev. ii. & iii.}
 of episcopacy, and supported his conclusion from the records
 of the primitive Church, from St. Ignatius's Epistles, and other
 testimonies of the ancients: and lastly, his majesty desired to

be satisfied concerning the substantial of Church government settled by our Saviour and his Apostles, in whose hands the administration of these essentials are deposited? Whether they bind to perpetual use, or whether they may be relaxed on occasion, and how far?

The parliament divines' paper against episcopacy. 2 Tim. iv. 5.

The next day the parliament divines delivered in their answer, and confessed the places of Scripture cited by his majesty, proved the conveyance of a power for the purposes abovementioned: but then they denied the persons exercising that authority were bishops in the modern restrained sense, or governed the Church under that distinction.

And here, omitting their coincidences with Henderson, I shall only relate what is farther suggested upon the question.

They affirm Timothy and Titus were Evangelists, and seem willing to infer an inconsistency between this office and an episcopal character.

2. They pretend these saints could not be bishops, because they were not fixed to a diocese, but frequently removed from place to place.

To the text in the Revelations, they answered, Angels of the Churches was an allegorical addition, and there was no solid arguing from such figurative expressions: and, besides, that these letters of St. John, though superscribed to one, were, in the meaning of them, sent to the whole body of the Church.

They seem to give little credit to the writings of the ancients, and the testimony of the Church posterior to the Apostles, and throw off Ignatius's Epistles, as if they were the forgery of later ages. As to the point of substantial in Church government, instituted by our Saviour, they gave only this general and evasive answer, that such substantial were to be found in the Scripture.

October 6. The king's answer.

After three days the king replied to their paper. And here, waiving his majesty's reasons urged against Henderson upon this head, I shall only report what was returned to their objections above-mentioned. Their endeavouring to turn off the force of the text touching St. Timothy and St. Titus, by retiring to a notion of their being Evangelists, is clearly confuted by Scultetus, Gerrard, and other Protestants of eminency. And that Timothy and Titus were bishops, is confirmed by the consentient testimony of antiquity. And here his majesty cites St. Jerome, and a list of twenty-seven bishops of Ephesus

succeeding each other without interruption, with St. Timothy CHARLES at the head of the catalogue. For this his majesty's author is ^{I.} Dr. Reynolds against Hart.

His majesty goes on with the rest of their argument, and puts the question, that if the angels mentioned in the Revelations were not single persons, who presided episcopally over the Church, he desires to know, whether they were either the Church diffusive, or such a number of pastors, or the whole college of the presbytery, or the respective presidents of those colleges? For into all these opinions the Presbyterians are divided in their modern expositions.

As for the ages posterior to the Apostles, his majesty grants their authority rises no higher than human testimony; but argues their report touching matter of fact ought not to be questioned upon this score: and though the men were fallible, we may have a moral certainty of the things delivered by them. And thus for instance, there is no reason to question the existence of Aristotle, or his being a Grecian philosopher. As for Ignatius's Epistles, though some, out of disaffection to bishops, have denied their genuineness, and endeavoured to strike them out of all regard; yet their objections are little better than bare affirmation and assurance: that several of this martyr's Epistles are so strongly attested by antiquity, that the author cannot be disputed without great partiality and ignorance. And granting the Epistles belonged to Ignatius, there can be no clearer proof of the contested distinction between a bishop and a presbyter.

Lastly, His majesty declared himself unsatisfied with their dark and general answer touching the "perpetual and unalterable substantial of Church government."

The parliament divines, after eleven days for respite and recruit, returned an answer to the king's last paper, and set forth, they could not apprehend, by what warrant "this writ of partition of the Apostles' office" was awarded: their meaning, as they explain themselves, was, by what authentic authority it could be proved that the governing function should be lodged with the bishops, and the teaching part and administering the sacraments assigned the presbyters. And that they were not sensible the Scriptures had settled any such distinction of office. The rest of their answer is either trifling, or already considered upon other occasions. Only I must not

Fuller's
Church
Hist.
book 11.
p. 232.
October 17.
*Their second
paper.*

omit the giving up a principal point of doctrine held by their brethren of Scotland, the old English Puritans, and several of the reformed beyond sea. For instance, these divines own the power of episcopacy under Christian and Pagan princes is the same: but the exercise lies restrained under the former; and that the Church officers are subordinate to the civil magistracy. From hence it appears, their courage was not of the highest kind, and that they were servilely overawed by the parliament.

Id. p. 235.

The king, in his last paper, acknowledges the pains these divines had taken to inform his judgment, as they thought, and bring him to their own persuasion. His majesty likewise does not forget the decency of their manner, and the respect of their application. But then he told them, they mistook his meaning when they talked of a writ of partition; as if his majesty had supposed a division of the spiritual government: that one part of it was granted to the bishops, and another to the presbyters; and that both these allotments were apportioned and exclusively assigned to each other: whereas the king only meant, that the function of teaching was common to both, but the governing part peculiarly reserved to the bishop. Though the main of the controversy was debated in writing, it seems the commissioners gave the parliament clergy liberty to put in upon occasion. Some of these men misbehaved themselves to a remarkable degree. Two of them plainly told the king with some commotion, that unless he consented to the utter abolishing episcopacy, he would be damned. But his majesty had temper enough to be unconcerned at this rudeness.

Lord Clarendon's
Hist. of the
Rebellion,
vol. 3.
part 1.

When the parliament divines had spent their force, and came off with disadvantage, the commissioners presented their proposals: it was a paper of considerable length, and parts of their demands were altogether new. The king referring his last resolution till he met the two houses at Westminster, made the following concessions at present.

*His majesty's
answers to
the propositions
made
by the commissioners.*

His majesty agreed, that the sitting of the assembly divines at Westminster should be confirmed for three years by act of parliament. And that the Directory should be settled by the same authority throughout the three kingdoms. That the form of presbyterian government should likewise be confirmed by act of parliament for the kingdoms of England and Ireland,

during the same period. But here the king threw in a proviso, CHARLES
I. that neither himself, nor any others who scrupled this government and worship, might be obliged to compliance, but enjoy the liberty of serving God in their own way.

His majesty agreed that a free consultation might be had with the assembly divines at Westminster, twenty of his own nomination being taken into the conference: that the questions concerning religion being debated by this body of divines before his majesty and the two houses, the differences upon these heads might be adjusted: and that the articles of religion, offered by the commissioners, the reformation insisted on, and the indulgence of tender consciences, might be considered and settled in the same way.

Farther, the king considering several of his subjects had parted with great sums of money, upon security of being repaid out of the bishops' lands, he was contented to pass an act of parliament that those Church lands should be leased out for ninety-nine years, towards the satisfaction of such mortgagees, purchasers, or others; provided the old rents, or some other moderate ones, were reserved to the bishops. And in case such leases did not satisfy, his majesty was willing to condescend farther; provided the property of those lands might still remain in the Church, pursuant to the intention of the founders.

To proceed: his majesty offers his royal assent for the better observance of the Lord's day, for suppressing innovations in divine worship, for the farther encouragement of preaching, for an act against pluralities and non-residence, for reforming both the universities, together with the colleges of Westminster, Winchester and Eton.

His majesty likewise agrees to pass a bill for the better discovery and conviction of popish recusants, and for the education of the children of such recusants in the Protestant religion; for levying the penalties against Papists, and for disposing of the forfeitures levied, in such manner as shall be agreed by both houses. His majesty likewise offers his assent to an act for preventing the practices of Papists against the State, for putting the laws in execution; and for a stricter expedient to prevent the hearing and saying of mass. But as to the covenant, his majesty is not satisfied to impose it on

Bib. Regia,
p. 341. et
deine.

the consciences of others; neither does he think the insisting on it proper at present.

The commissioners having transmitted an account of what passed, to their principals at Westminster, delivered a second paper to the king. His majesty, finding his former concessions not satisfactory, made larger overtures, and promised, that for settling the public peace, he would sign a bill for the taking away all archbishops, chancellors, commissaries, deans, and other Church distinctions, and officers already mentioned in the propositions sent him to Oxford: and that these acts should extend to all England, Wales, and Ireland; that the exercise of all episcopal functions and jurisdiction, should be suspended for three years, and no form of Church government used during that time, excepting the Presbyterian¹. That in case no Church settlement shall be agreed by the king and the two houses, that then, after the expiration of three years, the power of ordination shall not be managed by bishops, without the advice and assistance of presbyters: and that no other episcopal jurisdiction shall be exercised, but such, and in such manner, as shall be agreed by his majesty and his two houses of parliament.

The commissioners putting in their exceptions to these concessions, his majesty explained himself farther, to prevent misunderstanding: he declares against any intention of making new bishops during the three years; or that after the end of this term, the power of ordination shall be practised in the customary manner. That whereas formerly the bishops were at liberty to make use of what presbyters they pleased, but under no obligation to act with their concurrence; his majesty now consents, that bishops shall not ordain without the advice and approbation of a certain number of presbyters: and that these coadjutors, as they may be called, shall be chosen in such a manner, as shall be settled by his majesty and his two houses.

As for that part of their proposal touching the Common Prayer, he is contented not to insist upon the continuance of the Liturgy in his own chapel, either for himself or his household; and declares over and above, that he intends to use some other set form of Divine service.

¹ If the king had made moderated concessions during the life of Laud, these desperate ones would have been unnecessary; as it was, they came too late.

In another paper his majesty takes notice the main dissatisfaction of the two houses lay in his not consenting to the ^{1.} abolition of the order of bishops, the sale of their lands, and his resolution for the using a form of Divine service in his chapels. To the two first, his majesty declares himself fully persuaded episcopacy is an apostolical institution, and that the alienation of church lands is plainly sacrilege. Neither with reference to the third, can his majesty communicate with a Church, where it is wholly uncertain "what the minister will offer to God Almighty." Therefore, if his two houses do not think fit to recede from part of their demands in these particulars, his majesty resolves to cast himself upon the goodness of God, and rather stand the event, how uncomfortable soever, than strain his conscience to restore his affairs.

Nov. 18.

These 3 articles of refusal were the chief ground of contention.

Two days after, the commissioners delivered in their last paper upon the subject of religion.

And here they insist, that the bill for the abolition of episcopacy, does not strike at the bishops of apostolical institution: that the episcopacy desired to be set aside by the two houses is only the hierarchy formerly established by law. That this order was grown up to a burdensome height of pomp and power. That it was plainly a grievance to the subject, a hindrance to piety, an encroachment upon the authority of the civil magistracy; and, in short, sat heavy upon the fortunes and consciences of the people. That for these reasons the parliament desired his majesty's concurrence for suppressing this episcopacy: that their bill did not meddle with the apostolic bishops, nor determine the power and privileges of that character. The parliament desires nothing more than to put down those bishops by a law, which the law had set up. Nothing being more usual for parliaments than to alter or repeal laws, as experience directs, for the benefit of the public. But supposing the bill desired should come closer, and affect the apostolical bishop, they humbly conceived this would be no bar in conscience against the passing it. And here they argue upon a distinction between practice and precept, between what was done, and what was commanded by the Apostles, and take it for granted that episcopacy was of the first kind: that circumstances are sometimes a strong dispensation, and supersede the common rules of conduct. And here they leave it to his majesty's consideration, whether circumstances could ever

have a greater weight, and operate more strongly, than in the present case?

That as to the sale of bishops' lands, when the bishoprics are dissolved, their estates revert to the crown of course, and by consequence the disposing of such estates by act of parliament, they humbly conceive cannot come under the imputation of sacrilege¹. That such alienations of church revenues were frequently made in the reigns of his majesty's predecessors: and that, even under the ceremonial law, consecrated things, in cases of necessity, were lawfully transferred to secular uses.

And whereas his majesty was pleased to say, he could not communicate in Divine service, where it is uncertain "what the minister will offer to God Almighty:" they humbly desire his majesty to consider, that the Directory prescribes the matter of the minister's prayer, and only leaves expression and enlargement at liberty. And thus his majesty may be pre-acquainted with the substance of the worship.

After this, they return to the business of episcopacy, and suggest that the suspension of this government for three years is too feeble a remedy: and that great inconveniences must follow upon the return of this order, and the revival of the authority reserved for it. For in case the points of Church government remain unsettled between the king and parliament, the bishops return of course at three years' end; and then their power will stretch to a nuisance as formerly: for instance, they will have a negative voice in ordinations; which claim, they humbly conceive, is more than the Scripture supports. As for the offer of encumbering their revenues with leases of ninety-nine years, this concession comes short of satisfaction to the two houses: for since the property is to remain in the Church, the old grievances will be brought back upon the kingdom; so that it is impossible to discharge the people's fears, and the consequent distractions, without a larger and more effectual provision. Besides, since the Presbyterian government has so short and precarious an establishment, a general compliance must be impracticable: neither is it likely to go on in the mean time with much countenance or comfort. And whereas his majesty hoped the houses would not press him to act counter to his persuasion; they desire he

Nov. 20.

Id. p. 350.
Rushworth's
Hist. Coll.
part 4.
p. 1335.

¹ This argument is shrewdly stated.

would be pleased to remove this obstacle himself, and get his conscience better informed. CHARLES
I.

The next day the king returned them his last answer touching the abolition of episcopacy. His majesty observed, he had consented to the lopping all that additional jurisdiction his predecessors had bestowed upon that order; that nothing was left but what was plainly instituted by the Apostles; and that his majesty believed he had proved this point in his paper to their divines.

That though circumstances changed the nature of moral actions, yet if the things now in question are neither fit, nor lawful, his majesty conceives the consideration of circumstances, and the regards of public peace, ought rather to prevail with the two houses to make a cession, and relax in their demands. That precedents for secularising bishops' lands, are topics short of conviction: they prove things were done, but not that it was lawful to do them. Now that the total alienation of Church revenues amounts to sacrilege, has been ever agreed by divines, though otherwise of different persuasions. That by retrenching the forementioned powers and appendages belonging to the bishops, the return of the greivances objected will be effectually barred. As for the bishops' negative voice in ordination, his majesty wonders this privilege should be contested: and that it should be denied being a branch of authority, practised by the apostolical bishops: and that it is evident, from the Epistles to Timothy and Titus, that this part of government was sometimes under the sole management of the bishops. Lastly, his majesty having declared, in his reply of the 4th instant, that he intended to use a set form of Divine service, distinct from the Common Prayer, having now considered the latitude of the Directory, he retracts that expression. But, as to all other particulars, adheres to his former answer.

1 Tim. v. 22.
Tit. i. 5.
859.

Bibl. Reg.
p. 355.
*The treaty
proves in-
effectual.*

Whitlock's
Memorials.

When the treaty broke up, the commissioners made their report at Westminster; and his majesty's concessions with respect to the Church and other things, are voted unsatisfactory. However, being menaced by the army Independents, they resume the debate, and after a long struggle, resolve the king's compliance a ground to proceed on for the settlement of the nation. But they were in no condition to go on with an accommodation: for now the army make a loud remonstrance,

march up to London, menace the parliament, seize several members of the lower house, and overawe the rest of the Presbyterian party. Thus the Independents being strengthened to a majority; the commons retract their former vote, and come to a contrary resolution: and soon after, their votes of non-addresses are repeated. In short, the king is removed from Carisbrook to Hurst castle; from hence conveyed by the army to Windsor, and from thence to London. And now they began to lay aside the mask more fully, and discover the barbarity of their intentions: the king was treated without ceremony, the marks of sovereign respect forbidden, and a committee appointed by the commons to draw up a charge of high treason against him. This insolent impeachment was unanimously rejected by the peers, who then adjourned. Upon this the commons declare themselves the supreme power, clap a padlock on the house of lords, and go on without them. Their next step was the erecting a high court of justice in Westminster hall: when the king was brought hither, he denied the authority of their court, argued against their impudence, and behaved himself with that greatness and dignity which became a prince. Upon his refusing to plead, they condemned him to be beheaded: and the sentence was pronounced by their president Bradshaw.

Lord Clarendon,
vol. 3.
The king brought before the pretended high court of justice.

This unparalleled outrage on majesty, and the constitution, struck the Presbyterian ministry with horror: these men, though they had been zealous in the revolt, and preached up the war against the king, had no intention of going this hideous length. They were for rebelling within a rule, sinking the crown to a doge of Venice; and as Hobbs speaks, making the English government "a commonwealth, with a king under them." Therefore when they found the king's trial resolved by the rump, they made a remonstrance against it. It is an address to general Fairfax and his council of war, and entitled "A Serious and Faithful Representation of the Judgments of the Ministers of the Gospel within the Province of London."

Behemoth.

This paper was delivered to the general by some of the subscribers.
Jan. 13,
1648.

In this address the Presbyterian ministers justify the war carried on by the parliament, but disclaim the authority of the army. And to bring them off from the extremity of their "proceedings, they suggest the several oaths and covenants generally taken throughout the kingdom: particularly the protestation of May 5, 1641, in which, pursuant to the duty

of their allegiance, they engage in the presence of Almighty God to maintain and defend his majesty's person, honour, and estate with their lives and fortunes. After this they mention the solemn league and covenant, by virtue of which they own themselves tied to the same duty.

CHARLES
1.
The Presbyterian ministers remonstrate against trying the king.

“And here they insist very honestly upon the sacred and inviolable obligation of oaths: which though some, as they continue, may esteem no more than an almanac out of date; yet they look upon such religious solemnities as the oath of God. They put the general in mind, how severely God revenged the breach of his covenant made by Zedekiah to the king of Babylon: though this engagement was extorted and prejudicial to the king of Judah. After this they cite the text which stands thus: Shall he prosper, says God, shall he escape that doth such things? Or shall he break the covenant and be delivered? As I live, saith the Lord, seeing he despised the oath by breaking the covenant, (when, lo! he had given his hand) he shall not escape. Therefore thus saith the Lord God, as I live, surely mine oath that he has despised, and my covenant that he has broken, even it will I recompense upon his own head.

Ezek. xvii.
14, 15, 18,
19.

“From hence they proceed to put the army upon recollection ‘to remember from whence they are fallen, and repent and do their first works:’ that now they had eclipsed their glory, and tarnished their merit, and therefore they could not assist them with their character, and bless them in the name of the Lord, and bid them God speed, lest they should be partakers of their evil deeds.’ That instead of preserving the purity of religion in belief and worship, these ministers were afraid the army and their abettors were opening a door to damnable heresies, and licentious practice: that by this misbehaviour their religion was in danger of being the jest and diversion of the world: that they had laid the honour and authority of magistracy in the dust. That they could not but know how strictly obedience to government is enjoined in holy Scripture, and that St. Jude denounces a woe against those that ‘despise dominion, and speak evil of dignities. They proceed to awaken them with reciting the vengeance executed upon Corah, Dathan, and Abiram, for their mutiny against Moses and Aaron. They press the concurrence of Protestant divines, both at home and abroad, asserting the unlawfulness of

Psal. cxxix.
8.
2 John 11.

Jude 8, 11.

opposing the civil magistrate by private persons, and that they all detest the murdering of kings upon any specious pretences whatever.

The Presbyterian ministers went upon Calvin's false principle, that parliaments and the magistracy are guardians of the people's liberties, and have a right to fight their princes in cases of encroachment.

1 Sam. xxiv.

4. 6. 7. 13.

1 Sam. xxvi.

3, 9.

"They desire them not to infer the justice of their proceedings from success: that they ought to distinguish between God's permission, and approbation; and that God suffering men to prosper in wicked courses is one of the severest judgments. That their customary argument from providence is no safe rule, especially when practice and revelation clash with each other: that by this logic David might have made use of the opportunity and killed Saul. But no favourable juncture, no former provocations could justify such an attempt, 'for who, as himself speaks, can stretch forth his hand against the Lord's anointed, and be guiltless?'

"And to disarm them farther, they argue that the pretence of extraordinary impulses or supernatural impressions, is no warrantable direction; especially when such impulses are contrary to moral precepts, and the inspired writings. That unless we try this inward call by the written word, the temptations of the devil may pass undiscovered. The test, in this case, is to have recourse to the law and the 'testimony, if they speak not according to this word, it is because there is no light in them.'

860.

Isa. xxviii.

20.

"In the next place, they confute the Independents' plea from necessity: to this they answer, that no necessity can oblige a man to sin: that God stands in no need of our wickedness to govern the world, and to execute his pleasure: that this plea of necessity is of less weight in the present case, because it is feared the ends aimed at are no more justifiable, than the means; and farther, that the necessity insisted on, is no better than pretended, and the consequence of their own miscarriage. Farther, they remind them once again how they stood engaged by their oaths to preserve his majesty's person, and therefore it is most evident that no necessity can justify perjury, or dispense with lawful oaths: that dreadful flying roll being ready to seize those who 'swear falsely by the name of God:' and here they mention the judgments which fell upon the country for Saul's breaking his oath to the Gibeonites, though these people had surreptitiously gained the protection they lived under.

Zech. v. 4.

2 Sam. xxi.

1, 2, 6.

"They conclude with exhorting them to recover themselves,

and learn their duty from St. John Baptist's advice, 'to do violence to no man.' After this they make no scruple to tell them, that if they persist in their proceedings, 'their sin will find them out.'"

CHARLES
I.
Luke iii. 14.

Num. xxxii.
23.

And here to do justice to the memory of these ministers, I shall give the reader a list of their names, which stands thus :

Thomas Gataker, pastor of Rotherhithe.
 George Walker, pastor of John Evangelist's.
 Arthur Jackson, pastor of Michael's, Wood-street.
 Charles Offspring, pastor of Antholine's.
 Henry Robrough, pastor of Leonard's, Eastcheap.
 Nicholas Profot, minister of the Word at Foster's.
 Thomas Case, minister of Maudlin's, Milk-street.
 Stanly Gower, minister of the Gospel at Martin's, Ludgate.
 Andrew Janeway, of Allhallows-on-the-Wall.
 Samuel Clark, minister of Bennet Fink.
 Thomas Clandon, pastor of Allhallows, Barking.
 John Wale, minister of Michael's, Cornhill.
 James Cranford, pastor of Christopher's.
 James Nalton, pastor of Leonard's, Foster-lane.
 Thomas Cawton, pastor of Bartholomew's, Exchange.
 John Fuller, minister of Botolph's, Bishopsgate.
 Francis Roberts, pastor of Austin's.
 William Jenkin, pastor of Christchurch.
 Elidad Blackwell, pastor of Allhallows, Undershaft.
 William Harrison, minister of Gracechurch.
 John Sheffield, minister of Swithin's.
 Matthew Haviland, minister of Trinity-parish.
 George Smalewood, pastor of Mildred's, Poultry.
 William Taylor, pastor of Stephen's, Coleman-street.
 Christopher Love, pastor of Ann's Aldersgate.
 Robert Mercer, minister of Bride's.
 Ralph Robinson, pastor of Mary's, Woolnoth.
 William Blackmore, pastor of Peter's, Cornhill.
 Francis Peck, pastor of Nicholas Acons.
 Stephen Watkins, minister of the Gospel at Saviour's, Southwark.
 William Wickins, pastor of Andrew Hubbard.
 John Wallis, minister of Martin's, Ironmonger-lane.

Thomas Manton, minister of Stoke Newington.

Thomas Gouge, minister of Sepulchre's.

Thomas Watson, pastor of Stephen's, Walbrook.

Nathanael Staniforth, minister of Mary Bothaw.

John Halk, preacher at Allhallows-on-the-Wall.

John Glasscock, minister of the Gospel at Andrew's, Under-shaft.

Thomas Whately, pastor of Mary's, Woolchurch.

Jacob Tice, pastor of Botolph's, Billingsgate.

Jonathan Lloyd, pastor of James', Garlickhithe.

John Morton, pastor of Newington-Butts.

Joshua Kirby, minister of the Word.

Arthur Barham, pastor of Helen's.

Benjamin Needler, pastor of Margaret's Moses.

John Wells, minister of Olave's Jury.

Robert Matthew, minister of Andrew's, Wardrobe.

This address was handsome, it was plain-dealing; it was a bold reprimand of a victorious army, and exposed the villainy of the Independent faction with advantage enough. But these men were impenetrably hardened, and out of the reach of admonition: they, like "the deaf adder, refused to hear the voice of the charmer; charm he never so wisely."

To return. On the 28th of January, at night, and not sooner, Juxon, bishop of London, was admitted to assist his majesty in his devotions. On Tuesday following the execrable murder was committed on the side of the Banqueting-house, at Whitehall. The king appeared on the scaffold undisturbed, both in aspect and motion, supported his character to the last minute, and declared himself of the communion of the Church of England, as it was settled in the time of his father, king James.

To shut up this melancholy scene in a word or two of general description: he was a prince of great abilities, equal and dispassionate in his temper, and remarkably regular in his private life. He never entered on his diversions abroad till he had first paid his duty to God at the public prayers. He was likewise very strict in observing the hours for his cabinet devotion. He would not endure any licentious jests, any rallying of religion, though never so much recommended by pleasantry and wit. He was well furnished with capacity and resolution

Warwick's
Memoirs.
And murdered at
Whitehall.

Something
farther of
his character.

to advise at the council-board, and execute in the field. One CHARLES of his greatest misfortunes seems to have been an excess of ^{I.} clemency: of this the pacification at Berwick was a fatal instance. He had likewise too modest a sense of his judgment and sufficiency: this diffidence made him sometimes over-ruled by other men's opinions, worse grounded than his own. The extent of his knowledge, the force of his reasoning, and the nobleness of his manner, are sufficiently discovered in his printed works. The beautiful turn and lustre of his compositions are seldom met with in English authors of that age. To conclude: the lord-chancellor Clarendon, who knew him very well, gives him the character of "the worthiest gentleman, the best master, the best friend, the best husband, the best father, and the best Christian, that the age in which he lived produced."

Hist. of the
Rebellion,
vol. 3.

This prince left issue three sons, Charles, prince of Wales, who succeeded him; James, duke of York, afterwards king of England; and Henry, duke of Gloucester, who died soon after the Restoration. His daughters were, the princess Mary, married to the prince of Orange; Elizabeth, who died during the Usurpation, at Carisbrook castle, in the Isle of Wight; and Henrietta, married to the duke of Orleans.

NOTE.—To the account which Collier has given us of the melancholy fate of Charles I., we add the following illustrations from Lingard and other historians:—

"As the day of trial approached, Charles resigned the hopes which he had hitherto indulged: and his removal to Whitehall (January 19th) admonished him to prepare for that important scene in which he was soon to appear. Without information or advice, he could only resolve to maintain the port and dignity of a king, to refuse the authority of his judges, and to commit no act unworthy of his exalted rank and that of his ancestors. On the 20th of January the commissioners appointed by the act assembled in the painted chamber, and proceeded in state to the upper end of Westminster-hall. A chair of crimson velvet had been placed for the lord-president, John Bradshaw, serjeant-at-law: the others, to the number of sixty-six, ranged themselves on either side, on benches covered with scarlet; at the feet of the president sat two clerks at a table, on which lay the sword and mace; and directly opposite stood a chair intended for the king. After the preliminary formalities of reading the commission, and calling over the members, Bradshaw ordered the prisoner to be introduced¹.

"Charles was received at the door by the serjeant-at-arms, and conducted by him

¹ "The commissioners, according to the act (for bills passed by the commons alone were now denominated acts), were in number 133, chosen out of the lower house, the inns of court, the city, and the army. In one of their first meetings they chose Bradshaw for their president. He was a native of Cheshire, bred to the bar, had long practised in the Guildhall, and two terms before had been made serjeant. In the first list of commissioners his name did not occur; but on the rejection of the ordinance by the upper house, the names of six lords were erased, and his name with those of five others was substituted. He obtained for the reward of his services the estate of lord Cottington, the chancellorship of the duchy of Lancaster, and the office of president of the council."

within the bar. His step was firm,—his countenance erect and unmoved. He did not uncover; but first seated himself, then arose, and surveyed the court with an air of superiority, which abashed and irritated his enemies. While the clerk read the charge, he appeared to listen with indifference; but a smile of contempt was seen to quiver on his lips at the passage which described him as ‘a tyrant, traitor, murderer, and public and implacable enemy to the commonwealth of England.’ At the conclusion Bradshaw called on him to answer; but he demanded by what lawful authority he had been brought thither. He was king of England, and acknowledged no superior upon earth; the crown which he had received from his ancestors he would transmit, unimpaired by any act of his, to his posterity. His case was the case of all the people of England; for if force without law could alter the fundamental laws of the kingdom, there was no man who could be secure of his life or liberty for an hour. He was told that the court sat by the authority of the house of commons. But where, he asked, were the lords? Were the commons the whole legislature? Were they free? Were they a court of judicature? Could they confer on others a jurisdiction which they did not possess themselves? He would never acknowledge an usurped authority. It was a duty imposed upon him by the Almighty to disown every lawless power that invaded either the rights of the crown or the liberties of the subject. Such was the substance of his discourses delivered on three different days, and amidst innumerable interruptions from the president, who would not suffer the jurisdiction of the court to be questioned, and at last ordered the ‘default and contempt of the prisoner’ to be recorded.

“The two following days the court sat in private, to receive evidence that the king had commanded in several engagements, and to deliberate on the form of judgment to be pronounced. On the third (January 27th) Bradshaw took his seat, dressed in scarlet; and Charles immediately demanded to be heard. He did not mean, he said, on this occasion either to acknowledge or deny the authority of the court; his object was to ask a favour, which would spare them the commission of a great crime, and restore the blessing of tranquillity to his people. He asked permission to confer with a joint committee of the lords and commons. The president replied, that the proposal was not altogether new, though it was now made for the first time by the king himself: that it pre-supposed the existence of an authority co-ordinate with that of the commons, which could not be admitted; that its object could only be to delay the proceedings of the court, now that judgment was to be pronounced. Here he was interrupted by the earnest expostulation of colonel Downes, one of the members. The king was immediately removed; the commissioners adjourned into a neighbouring apartment, and almost an hour was spent in private and animated debate. Had the conference been granted, Charles would have proposed (so at least it was understood) to resign the crown in favour of the prince of Wales.

“When the court resumed, Bradshaw announced to him the refusal of his request, and proceeded to animadvert in harsh and unfeeling language on the principal events of his reign. The meek spirit of the prisoner was roused; he made an attempt to speak, but he was immediately silenced with the remark, that the time for his defence was past; that he had spurned the numerous opportunities offered him by the indulgence of the court; and that nothing remained for his judges but to pronounce sentence: for they had learned from Holy Writ, that ‘to acquit the guilty was of equal abomination as to condemn the innocent.’ The charge was again read, and was followed by the judgment, ‘that the court being satisfied in conscience that he, the said Charles Stuart, was guilty of the crimes of which he had been accused, did adjudge him as a tyrant, traitor, murderer, and public enemy to the good people of the nation, to be put to death by the severing of his head from his body.’ The king heard it in silence; sometimes smiling with contempt, sometimes raising his eyes to heaven, as if he appealed from the malice of man to the justice of the Almighty. At the conclusion, the commissioners rose in a body to testify their assent, and Charles made a last and more earnest effort to speak; but Bradshaw ordered him to be removed, and the guards hurried him out of the hall.

“During this trial, a strong military force had been kept under arms to suppress any demonstration of popular feeling in favour of the king. On the first day, when the name of Fairfax, as one of the commissioners, was called, a female voice cried from the

gallery, 'He has more wit than to be here.' On another occasion, when Bradshaw attributed the charge against the king to the consentient voice of the people of England, the same female voice exclaimed, 'No, not one-tenth of the people.' A faint murmur of approbation followed, but was instantly suppressed by the military. The speaker was recognised to be lady Fairfax, the wife of the commander-in-chief; and these affronts probably on that account were suffered to pass unnoticed.

CHARLES
I.

"When Coke, the solicitor-general, opened the pleadings, the king gently tapped him on the shoulder with his cane, crying, 'Hold! hold!' At the same moment the silver head of the cane fell off, and rolled on the floor. It was an accident which might have happened at any time; but in this superstitious age it could not fail to be taken for an omen. Both his friends and enemies interpreted it as a presage of his approaching decapitation.

"On one day, as the king entered the court, he heard behind him the cry of 'justice, justice.' On another, as he passed between two lines of soldiers, the word 'execution' was repeatedly sounded in his ears. He bore these affronts with patience; and on his return said to Herbert, 'I am well assured that the soldiers bear me no malice. The cry was suggested by their officers, for whom they would do the like, if there were occasion.'

"On his return from the hall, men and women crowded behind the guards, and called aloud, 'God preserve your majesty.' But one of the soldiers venturing to say, 'God bless you, sir,' received a stroke on the head from an officer with his cane. 'Truly,' said the king, 'I think the punishment exceeded the offence.'

"By his conduct during these proceedings, Charles had exalted his character even in the estimation of his enemies; he had now to prepare himself for a still more trying scene,—to nerve his mind against the terrors of a public and ignominious death. But he was no longer the man he had been before the civil war. Affliction had chastened his mind: he had learned from experience to submit to the visitations of Providence; and he sought and found strength and relief in the consolations of religion. The next day, the Sunday (January 23), was spent by him at St. James's, by the commissioners at Whitehall. They observed a fast, preached on the judgments of God, and prayed for a blessing on the commonwealth. He devoted his time to devotional exercises in the company of Herbert and of Dr. Juxon, bishop of London, who at the request of Hugh Peters (and it should be recorded to the honour of that fanatical preacher) had been permitted to attend the monarch. His nephew, the prince elector, the duke of Richmond, the marquiss of Hertford, and several other noblemen, came to the door of his bed-chamber, to pay their last respects to their sovereign: but they were told in his name that he thanked them for their attachment, and desired their prayers; that the shortness of his time admonished him to think of another world: and that the only moments which he could spare must be given to his children. These were two,—the princess Elizabeth and the duke of York; the former wept for her father's fate: the latter, too young to understand the cause, joined his tears through sympathy. Charles placed them on his knees, gave them such advice as was adapted to their years, and seemed to derive pleasure from the pertinency of their answers. In conclusion he divided a few jewels between them, kissed them, gave them his blessing, and hastily retired to his devotions.

"On the last night of his life he slept soundly about four hours; and early in the morning awakened Herbert, who lay on a pallet by his bed-side. 'This,' he said, 'is my second marriage-day (January 30th). I would be as trim as may be; for before night I hope to be espoused to my blessed Jesus.' He then pointed out the clothes which he meant to wear, and ordered two shirts, on account of the severity of the weather. 'For,' he observed, 'were I to shake through cold, my enemies would attribute it to fear. I would have no such imputation. I fear not death. Death is not terrible to me. I bless my God I am prepared!'

¹ "I may here insert an anecdote; which seems to prove that Charles attributed his misfortunes in a great measure to the counsels of archbishop Laud. On the last night

"The king spent an hour in privacy with the bishop: Herbert was afterwards admitted; and about ten o'clock colonel Hacker announced that it was time to proceed to Whitehall. He obeyed; was conducted on foot, between two detachments of military, across the park, and received permission to repose himself in his former bed-chamber. Dinner had been prepared for him; but he refused to eat, though afterwards, at the solicitation of the bishop, he took the half of a manchet and a glass of wine. Here he remained almost two hours in constant expectation of the last summons, spending his time partly in prayer, and partly in discourse with Dr. Juxon. There might have been nothing mysterious in the delay; if there was, it may perhaps be explained from the following circumstances.

"Four days had now elapsed since the arrival of ambassadors from the Hague to intercede in his favour. It was only on the preceding evening that they had obtained audiences of the two houses, and hitherto no answer had been returned. In their company came Seymour, the bearer of two letters from the prince of Wales: one addressed to the king, the other to the lord Fairfax. He had already delivered the latter, and with it a sheet of blank paper subscribed with the name and sealed with the arms of the prince. It was the price which he offered to the grantees of the army for the life of his father. Let them fill it up with the conditions: whatever they might be, they were already granted,—his seal and signature were affixed. It is not improbable that this offer may have induced the leaders to pause. That Fairfax laboured to postpone the execution, was always asserted by his friends; and we have evidence to prove, that though he was at Whitehall, he knew not, or at least pretended not to know, what was passing.

"In the meanwhile, Charles enjoyed the consolation of learning that his son had not forgotten him in his distress. By the indulgence of colonel Tomlinson, Seymour was admitted, delivered the letter, and received the royal instructions for the prince. He was hardly gone, when Hacker arrived with the fatal summons. The king proceeded through the long gallery, lined on each side with soldiers, who, far from insulting the fallen monarch, appeared by their sorrowful looks to sympathise with his fate. At the end an aperture had been made in the wall, through which he stepped at once upon the scaffold. It was hung with black. At the farther end were seen the two executioners, the block, and the axe; below, appeared in arms several regiments of horse and foot; and beyond, as far as the eye was permitted to reach, waved a dense and countless crowd of spectators. The king stood collected and undismayed amidst the apparatus of death. There was in his countenance that cheerful intrepidity, in his demeanour that dignified calmness, which had characterized, in the hall of Fotheringay, his royal grandmother, Mary Stuart. It was his wish to address the people; but they were kept beyond the reach of his voice by the swords of the military; and therefore, confining his discourse to the few persons standing with him on the scaffold, he took, he said, the opportunity of denying, in the presence of his God, the crimes of which he had been accused. It was not to him, but to the houses of parliament, that the war and all its evils should be charged. The parliament had first invaded the rights of the crown by claiming the command of the army; it had provoked hostilities by issuing commissions for the levy of forces, before he had raised a single man. But he had forgiven all, even those,—whoever they were (for he did not desire to know their names),—who had brought him to his death. He did more than forgive them: he prayed that they might repent. But

of his life, he had observed that Herbert was restless during his sleep, and in the morning insisted on knowing the cause. Herbert answered that he was dreaming. He saw land enter the room: the king took him aside, and spoke to him with a pensive countenance; the archbishop sighed, retired, and fell prostrate on the ground. Charles replied, 'It is very remarkable: but he is dead. Yet had we conferred together during life, it is very likely (albeit I loved him well) I should have said something to him, might have occasioned his sigh.'—*Herbert's letter to Dr. Samways, published at the end of his memoirs.*"

for that purpose they must do three things : they must render to God his due, by settling the Church according to the Scripture ; they must restore to the crown those rights which belonged to it by law ; and they must teach the people the distinction between the sovereign and the subject ;—those persons could not be governors who were to be governed : they could not rule, whose duty it was to obey. Then, in allusion to the offers formerly made to him by the army, he concluded with these words : ‘Sirs, it was for the liberties of the people that I am come here. If I would have assented to an arbitrary sway, to have all things changed according to the power of the sword, I needed not to have come hither ; and therefore I tell you (and I pray God it be not laid to your charge), that I am the martyr of the people.’

CHARLES
I.

“Having added, at the suggestion of Dr. Juxon, ‘I die a Christian according to the profession of the Church of England, as I found it left me by my father,’ he said, addressing himself to the prelate, ‘I have on my side a good cause, and a gracious God.’

“*Bishop.* ‘There is but one stage more : it is turbulent and troublesome, but a short one. It will carry you from earth to heaven ; and there you will find joy and comfort.’

“*King.* ‘I go from a corruptible to an incorruptible crown.’

“*Bishop.* ‘You exchange an earthly for an eternal crown—a good exchange.’

“Being ready, he bent his neck on the block, and after a short pause stretched out his hands as a signal. At that instant the axe descended, the head rolled from the body, and a deep groan burst from the multitude of the spectators. But they had no leisure to testify their feelings ; two troops of horse dispersed them in different directions¹.

“Such was the end of the unfortunate Charles Stuart ; an awful lesson to the possessors of royalty, to watch the growth of public opinion, and to moderate their pretensions in conformity with the reasonable desires of their subjects. Had he lived at a more early period, when the sense of wrong was quickly subdued by the habit of submission, his reign would probably have been marked by fewer violations of the national liberties. It was resistance that made him a tyrant. The spirit of the people refused to yield to the encroachments of authority ; and one act of oppression placed him under the necessity of committing another, till he had revived and enforced all those odious prerogatives, which, though usually claimed, were but sparingly exercised, by his predecessors. For some years his efforts seemed successful ; but the Scottish insurrection revealed the delusion. He had parted with the real authority of a king, when he forfeited the confidence and affection of his subjects.

“But while we blame the illegal measures of Charles, we ought not to screen from censure the subsequent conduct of his principal opponents. From the moment that war seemed inevitable, they acted as if they thought themselves absolved from all obli-

¹ “The royal corpse, having been embalmed, was after some days delivered to the earl of Richmond for private interment at Windsor. That nobleman, accompanied by the marquis of Hertford, the earls of Southampton and Lindsey, Dr. Juxon, and a few of the king’s attendants, deposited it in a vault in the choir of St. George’s chapel, which already contained the remains of Henry VIII. and his third queen, Jane Seymour. Notwithstanding such authority, the assertion of Clarendon, that the place could not be discovered, threw some doubt upon the subject. But in 1813, it chanced that the workmen made an aperture in a vault corresponding in situation, and occupied by three coffins ; and his majesty George IV., then prince regent, ordered an investigation to ascertain the truth. One of the coffins, in conformity with the account of Herbert, was of lead, with a leaden scroll, in which were cut the words ‘King Charles.’ In the upper lid of this an opening was made ; and when the cere-cloth and unctuous matter were removed, the features of the face, as far as they could be distinguished, bore a strong resemblance to the portraits of Charles I. To complete the proof, the head was found to have been separated from the trunk by some sharp instrument, which had cut through the fourth vertebra of the neck.”

gations of honour and honesty. They never ceased to inflame the passions of the people by misrepresentation and calumny; they exercised a power far more arbitrary and formidable than had ever been claimed by the king; they punished summarily, on mere suspicion, and without attention to the forms of law; and by their committees they established in every county a knot of petty tyrants, who disposed at will of the liberty and property of the inhabitants. Such anomalies may perhaps be inseparable from the jealousies, the resentments, and the heart-burnings, which are engendered in civil commotions; but certain it is, that right and justice had seldom been more wantonly outraged than they were by those who professed to have drawn the sword in the defence of right and justice.

"Neither should the death of Charles be attributed to the vengeance of the people. They, for the most part, declared themselves satisfied with their victory; they sought not the blood of the captive monarch: they were even willing to replace him on the throne, under those limitations which they deemed necessary for the preservation of their rights. The men who hurried him to the scaffold were a small faction of bold and ambitious spirits, who had the address to guide the passions and fanaticisms of their followers, and were enabled through them to control the real sentiments of the nation. Even of the commissioners appointed to sit in judgment on the king, scarcely one half could be induced to attend at his trial; and many of those who concurred in his condemnation, subscribed the sentence with feelings of shame and remorse. But so it always happens in revolutions. The most violent put themselves forward; their vigilance and activity seems to multiply their number, and the daring of the few wins the ascendancy over the indolence or the pusillanimity of the many."

As this is one of the most extraordinary and important epochs in our history, and one which has excited the talents of our most illustrious political authors, we shall, in addition to the foregoing, give the sentiments both of Hume and Hallam: who may be considered the chief writers of each party. The former has embodied all the arguments of the royalists, and the latter has most carefully, and apparently impartially, summed up, with a constitutional predilection.

We commence with Hume:—"The character of this prince, as that of most men, if not of all men, was mixed; but his virtues predominated extremely above his vices, or, more properly speaking, his imperfections: for scarce any of his faults rose to that pitch as to merit the appellation of vices. To consider him in the most favourable light, it may be affirmed, that his dignity was free from pride, his humanity from weakness, his bravery from rashness, his temperance from austerity, his frugality from avarice;—all these virtues, in him, maintained their proper bounds, and merited unreserved praise. To speak the most harshly of him, we may affirm, that many of his good qualities were attended with some latent frailty, which, though seemingly inconsiderable, was able, when seconded by the extreme malevolence of his fortune, to disappoint them of all their influence; his beneficent disposition was clouded by a manner not very gracious; his virtue was tinged with superstition; his good sense was disfigured by a deference to persons of a capacity inferior to his own; and his moderate temper exempted him not from hasty and precipitate resolutions. He deserves the epithet of a good, rather than of a great man; and was more fitted to rule in a regular established government, than either to give way to the encroachments of a popular assembly, or finally to subdue their pretensions. He wanted suppleness and dexterity sufficient for the first measure; he was not endowed with the vigour requisite for the second. Had he been born an absolute prince, his humanity and good sense had rendered his reign happy and his memory precious; had the limitations on prerogative been in his time quite fixed and certain, his integrity had made him regard, as sacred, the boundaries of the constitution. Unhappily, his fate threw him into a period when the precedents of many former reigns savoured strongly of arbitrary power, and the genius of the people ran violently towards liberty. And if his political prudence was not sufficient to extricate him from so perilous a situation, he may be excused; since, even after the event, when it is commonly easy to correct all errors, one is at a loss to determine what conduct, in his circumstances, could have maintained the authority of the crown, and preserved the peace of the nation. Exposed without revenue, without arms, to the assault of furious, implaca-

ble, and bigoted factions, it was never permitted him, but with the most fatal consequences, to commit the smallest mistake;—a condition too rigorous to be imposed on the greatest human capacity.

“Some historians have rashly questioned the good faith of this prince; but, for this reproach, the most malignant scrutiny of his conduct, which, in every circumstance, is now thoroughly known, affords not any reasonable foundation. On the contrary, if we consider the extreme difficulties to which he was so frequently reduced, and compare the sincerity of his professions and declarations, we shall avow, that probity and honour ought justly to be numbered among his most shining qualities. In every treaty, those concessions which he thought he could not in conscience maintain, he never could, by any motive or persuasion, be induced to make. And though some violations of the petition of right may perhaps be imputed to him, these are more to be ascribed to the necessity of his situation, and to the lofty ideas of royal prerogative, which, from former established precedents, he had imbibed, than to any failure in the integrity of his principles.

“This prince was of a comely presence,—of a sweet, but melancholy aspect. His face was regular, handsome, and well-complexioned: his body strong, healthy, and justly-proportioned: and being of a middle stature, he was capable of enduring the greatest fatigues. He excelled in horsemanship and other exercises; and he possessed all the exterior, as well as many of the essential qualities, which form an accomplished prince.

“The tragical death of Charles begat a question, whether the people, in any case, were entitled to judge and punish their sovereign; and most men, regarding chiefly the atrocious usurpation of the pretended judges, and the merit of the virtuous prince who suffered, were inclined to condemn the republican principle as highly seditious and extravagant; but there still were a few who, abstracting from the particular circumstances of this case, were able to consider the question in general, and were inclined to moderate, not contradict, the prevailing sentiment. Such might have been their reasoning: if ever, on any occasion, it were laudable to conceal truth from the populace, it must be confessed, that the doctrine of resistance affords such an example; and that all speculative reasoners ought to observe, with regard to this principle, the same cautious silence, which the laws in every species of government have ever prescribed to themselves. Government is instituted in order to restrain the fury and injustice of the people; and being always founded on opinion, not on force, it is dangerous to weaken, by these speculations, the reverence which the multitude owe to authority, and to instruct them beforehand, that the case can never happen, when they may be freed from their duty of allegiance. Or should it be found impossible to restrain the licence of human disquisitions, it must be acknowledged, that the doctrine of obedience ought alone to be inculcated, and that the exceptions, which are rare, ought seldom or never to be mentioned in popular reasonings and discourses. Nor is there any danger that mankind, by this prudent reserve, should universally degenerate into a state of abject servitude. When the exception really occurs, even though it be not previously expected and descanted on, it must, from its very nature, be so obvious and undisputed, as to remove all doubt, and overpower the restraint, however great, imposed by teaching the general doctrine of obedience. But between resisting a prince and dethroning him, there is a wide interval; and the abuses of power which can warrant the latter violence, are greater, and more enormous, than those which will justify the former. History, however, supplies us with examples even of this kind; and the reality of the supposition,—though, for the future, it ought ever to be little looked for,—must, by all candid inquirers, be acknowledged in the past. But between dethroning a prince and punishing him, there is another very wide interval; and it were not strange if even men of the most enlarged thought should question, whether human nature could ever in any monarch reach that height of depravity as to warrant, in revolted subjects, this last act of extraordinary jurisdiction. That illusion, if it be an illusion, which teaches us to pay a sacred regard to the persons of princes, is so salutary, that to dissipate it by the formal trial and punishment of a sovereign, will have more pernicious effects upon the people, than the example of justice can be supposed to have a beneficial influence upon princes,

by checking their career of tyranny. It is dangerous, also, by these examples, to reduce princes to despair, or bring matters to such extremities against persons endowed with great power, as to leave them no resource, but in the most violent and most sanguinary counsels. This general position being established, it must however be observed, that no reader, almost of any party or principle, was ever shocked when he read, in ancient history, that the Roman senate voted Nero, their absolute sovereign, to be a public enemy; and, even without trial, condemned him to the severest and most ignominious punishment,—a punishment from which the meanest Roman citizen was, by the laws, exempted. The crimes of that bloody tyrant are so enormous, that they break through all rules, and extort a confession, that such a dethroned prince is no longer superior to his people, and can no longer plead, in his own defence, laws which were established for conducting the ordinary course of administration. But when we pass from the case of Nero to that of Charles, the great disproportion,—or, rather, total contrariety,—of character immediately strikes us; and we stand astonished, that, among a civilized people, so much virtue could ever meet with so fatal a catastrophe. History, the great mistress of wisdom, furnishes examples of all kinds, and every prudential, as well as moral precept, may be authorized by those events which her enlarged mirror is able to present to us. From the memorable revolutions which passed in England during this period, we may naturally deduce the same useful lesson which Charles himself, in his later years, inferred; that it is dangerous for princes, even from the appearance of necessity, to assume more authority than the laws have allowed them. But it must be confessed, that these events furnish us with another instruction, no less natural, and no less useful, concerning the madness of the people, the furies of fanaticism, and the danger of mercenary armies."

We conclude this eventful part of our history with the judgment pronounced by Hallam.

"A very small number among those who sat in this strange tribunal upon Charles I. were undoubtedly capable of taking statesman-like views of the interests of their party, and might consider his death a politic expedient for consolidating the new settlement. It seemed to involve the army, which had openly abetted the act, and even the nation, by its passive consent, in such inexpiable guilt towards the royal family, that neither common prudence nor a sense of shame would permit them to suffer its restoration. But by the far greater part of the regicides such considerations were either overlooked or kept in the back-ground. Their more powerful motive was that fierce fanatical hatred of the king, the natural fruit of long civil dissension, inflamed by preachers more dark and sanguinary than those they addressed, and by a perverted study of the Jewish scriptures. They had been wrought to believe, not that his execution would be justified by state-necessity, or any such feeble grounds of human reasoning, but that it was a bounden duty, which with a safe conscience they could not neglect. Such was the persuasion of Ludlow and Hutchinson, the most respectable names among the regicides; both of them free from all suspicion of interestedness or hypocrisy, and less intoxicated than the rest by fanaticism. 'I was fully persuaded,' says the former, 'that an accommodation with the king was unsafe to the people of England, and unjust and wicked in the nature of it. The former, besides that it was obvious to all men, the king himself had proved, by the duplicity of his dealing with the parliament, which manifestly appeared in his own papers, taken at the battle of Naseby and elsewhere. Of the latter I was convinced by the express words of God's law, that 'blood defileth the land, and the land cannot be cleansed of the blood that is shed therein, but by the blood of him that shed it.' (Numb. xxxv. 33.) And therefore I could not consent to leave the guilt of so much blood on the nation, and thereby to draw down the just vengeance of God upon us all, when it was evident that the war had been occasioned by the invasion of our rights, and open breach of our laws and constitution on the king's part.' 'As for Mr. Hutchinson,' says his high-souled consort, 'although he was very much confirmed in his judgment concerning the cause, yet being here called to an extraordinary action, whereof many were of several minds, he addressed himself to God by prayer, desiring the Lord, that if, through any human frailty, he were led into any error or false opinion in those great transactions, he would open his eyes, and not suffer him to proceed, but

that he would confirm his spirit in the truth, and lead him by a right-enlightened conscience; and finding no check, but a confirmation in his conscience, that it was his duty to act as he did, he, upon serious debate, both privately and in his addresses to God, and in conferences with conscientious, upright, unbiassed persons, proceeded to sign the sentence against the king. Although he did not then believe but it might one day come to be again disputed among men, yet both he and others thought they could not refuse it without giving up the people of God, whom they had led forth and engaged themselves unto by the oath of God, into the hands of their enemies; and therefore he cast himself upon God's protection, acting according to the dictates of a conscience which he had sought the Lord to guide; and accordingly the Lord did signalize his favour afterward to him.

"The execution of Charles I. has been mentioned in later ages by a few with unlimited praise; by some with faint and ambiguous censure; by most with vehement reprobation. My own judgment will possibly be anticipated by the reader of the preceding pages. I shall certainly not rest it on the imaginary sacredness and divine origin of royalty, nor even on the irresponsibility with which the law of almost every country invests the person of its sovereign. Far be it from me to contend, that no cases may be conceived, that no instances may be found in history, wherein the sympathy of mankind and the sound principles of political justice would approve a public judicial sentence as the due reward of tyranny and perfidiousness. But we may confidently deny that Charles I. was thus to be singled out as a warning to tyrants. His offences were not, in the worst interpretation, of that atrocious character which calls down the vengeance of insulted humanity, regardless of positive law. His government had been very arbitrary; but it may well be doubted whether any, even of his ministers, could have suffered death for their share in it, without introducing a principle of barbarous vindictiveness. Far from the sanguinary misanthropy of some monarchs, or the revengeful fury of others, he had in no instance displayed, nor does the minute scrutiny since made into his character entitle us to suppose any malevolent dispositions beyond some proneness to anger, and a considerable degree of harshness in his demeanour¹. As for the charge of having caused the bloodshed of the war, upon which, and not on any former misgovernment, his condemnation was grounded, it was ill established, as it would have been insufficient. Well might the earl of Northumberland say, when the ordinance for the king's trial was before the lords, that the greatest part of the people of England were not yet satisfied, whether the king levied war first against the houses, or the houses against him. The fact, in my opinion, was entirely otherwise. It is quite another question, whether the parliament were justified in their resistance to the king's legal authority. But we may contend, that when Hotham, by their command, shut the gates of Hull against his sovereign, when the militia was called out in different counties by an ordinance of the two houses,—both which preceded by several weeks any levying of forces for the king,—the bonds of our constitutional law were by them and their servants snapped asunder; and it would be the mere pedantry and chicanery of political

¹ "The king's manners were not good. He spoke and behaved to ladies with indelicacy in public. He once forgot himself so far as to cane sir Henry Vane for coming into a room of the palace reserved for persons of higher rank."—*Carte's Ormond*; where other instances are mentioned by that friendly writer.

"He had, in truth, none who loved him, till his misfortunes softened his temper, and excited sympathy.

"An anecdote, strongly intimating the violence of Charles's temper, has been rejected by his advocates. It is said that Burnet, in searching the Hamilton papers, found that the king, on discovering the celebrated letter of the Scots covenanting lords to the king of France, was so incensed, that he sent an order to sir William Balfour, lieutenant-governor of the Tower, to cut off the head of his prisoner, lord Loudon, but that the marquis of Hamilton, to whom Balfour immediately communicated this, urged so strongly on the king that the city would be up in arms on this violence, that with reluctance he withdrew the warrant."

casuistry to inquire, even if the fact could be better ascertained, whether at Edgell, or in the minor skirmishes that preceded, the first carbine was discharged by a cavalier or a roundhead. The aggressor in a war is not the first who uses force, but the first who renders force necessary.

"But, whether we may think this war to have originated in the king's or the parliament's aggression, it is still evident that the former had a fair case with the nation,—a cause which it was no plain violation of justice to defend. He was supported by the greater part of the peers, by full one third of the commons, by the principal body of the gentry, and a large proportion of other classes. If his adherents did not form, (as I think they did not) the majority of the people, they were at least more numerous, beyond comparison, than those who demanded or approved of his death. The steady deliberate perseverance of so considerable a body in any cause takes away the right of punishment from the conquerors, beyond what their own safety or reasonable indemnification may require. The vanquished are to be judged by the rules of national, not of municipal law. Hence, if Charles, after having by a course of victories, or the defection of the people, prostrated all opposition, had abused his triumph by the execution of Essex, or Hampden, or Fairfax, or Cromwell, I think that later ages would have disapproved of their deaths as positively, though not quite as vehemently, as they have of his own. The line is not easily drawn, in abstract reasoning, between the treason that is justly punished, and the social schism which is beyond the proper boundaries of law; but the civil war of England seems plainly to fall within the latter description. These objections strike me as unanswerable, even if the trial of Charles had been sanctioned by the voice of the nation through its legitimate representatives, or at least such a fair and full convention as might, in great necessity, supply the place of lawful authority. But it was, as we all know, the act of a bold, but very small minority, who, having forcibly expelled their colleagues from parliament, had usurped, under the protection of a military force, that power which all England reckoned illegal. I cannot perceive what there was in the imagined solemnity of this proceeding,—in that insolent mockery of the forms of justice, accompanied by all unfairness and inhumanity in its circumstances,—which can alleviate the guilt of the transaction; and if it be alleged that many of the regicides were firmly persuaded in their consciences of the right and duty of condemning the king, we may surely remember that private murderers have often had the same apology.

"In discussing each particular transaction in the life of Charles, as of any other sovereign, it is required by the truth of history to spare no just animadversion upon his faults; especially where much art has been employed by the writers most in repute to carry the stream of public prejudice in an opposite direction. But when we come to a general estimate of his character, we should act unfairly not to give their full weight to those peculiar circumstances of his condition in this worldly scene which tend to account for and extenuate his failings. The station of kings is, in a moral sense, so unfavourable, that those who are least prone to servile admiration should be on their guard against the opposite error of an uncandid severity. There seems no fairer method of estimating the intrinsic worth of a sovereign than to treat him as a subject, and judge, so far as the history of his life enables us, what he would have been in that more private and happier condition, from which the chance of birth has excluded him. Tried by this test, we cannot doubt that Charles I. would have been not altogether an amiable man, but one deserving of general esteem; his firm and conscientious virtues the same; his deviations from right far less frequent than upon the throne. It is to be pleaded for this prince, that his youth had breathed but the contaminated air of a profligate and servile court; that he had imbibed the lessons of arbitrary power from all who surrounded him; that he had been betrayed, by a father's culpable blindness, into the dangerous society of an ambitious, unprincipled favourite. To have maintained so much correctness of morality as his enemies confess, was a proof of Charles's virtuous dispositions; but his advocates are compelled also to own, that he did not escape as little injured by the poisonous adulation to which he had listened. Of a temper by nature, and by want of restraint, too passionate, though not vindictive; and, though not absolutely cruel, certainly deficient in gentleness and humanity, he was entirely unfit for the

very difficult situation of royalty, and especially for that of a constitutional king. It is impossible to excuse his violations of liberty on the score of ignorance, especially after the petition of right; because his impatience of opposition from his council made it unsafe to give him any advice that thwarted his determination. His other great fault was want of sincerity,—a fault that appeared in all parts of his life, and from which no one who has paid the subject any attention will pretend to exculpate him. Those, indeed, who know nothing but what they find in Hume, may believe, on Hume's authority, that the king's contemporaries never dreamed of imputing to him any deviation from good faith; as if the whole conduct of the parliament had not been evidently founded upon a distrust, which on many occasions they very explicitly declared. But so far as this insincerity was shown in the course of his troubles, it was a failing which untoward circumstances are apt to produce, and which the extreme hypocrisy of many among his adversaries might sometimes palliate. Few personages in history, we should recollect, have had so much of their actions revealed, and commented upon, as Charles;—it is perhaps a mortifying truth, that those who have stood highest with posterity have seldom been those who have been most accurately known.

“The turn of his mind was rather peculiar, and laid him open with some justice to very opposite censures,—for an extreme obstinacy in retaining his own opinion, and for an excessive facility in adopting that of others. But the apparent incongruity ceases when we observe that he was tenacious of ends, and irresolute as to means; better fitted to reason than to act; never swerving from a few main principles, but diffident of his own judgment in its application to the course of affairs. His chief talent was an acuteness in dispute,—a talent not usually much exercised by kings, but which the strange events of his life called into action. He had, unfortunately for himself, gone into the study most fashionable in that age, of polemical theology; and, though not at all learned, had read enough of the English divines to maintain their side of the current controversies with much dexterity. But this unkingly talent was a poor compensation for the continual mistakes of his judgment in the art of government, and the conduct of his affairs.

“It seems natural not to leave untouched, in this place, the famous problem of the Icon Basilike, which has been deemed an irrefragable evidence both of the virtues and the talents of Charles. But the authenticity of this work can hardly be any longer a question among judicious men. We have letters from Gauden and his family, asserting it as his own in the most express terms, and making it the ground of a claim for reward. We know that the king's sons were both convinced that it was not their father's composition,—that Clarendon was satisfied of the same. If Gauden not only set up a false claim to so famous a work, but persuaded those nearest to the king to surrender that precious record, as it had been reckoned, of his dying sentiments, it was an instance of successful impudence which has hardly a parallel. But I should be content to rest the case on that internal evidence, which has been so often alleged for its authenticity. The Icon has, to my judgment, all the air of a fictitious composition. Cold, stiff, elaborate, without a single allusion that bespeaks the superior knowledge of facts, which the king must have possessed, it contains little but those rhetorical common-places which would suggest themselves to any forger. The prejudices of party, which exercise a strange influence in matters of taste, have caused this book to be extravagantly praised. It has doubtless a certain air of grave dignity, and the periods are more artificially constructed than was usual in that age (a circumstance not in favour of its authenticity): but the style is encumbered with frigid metaphors, as is said to be the case in Gauden's acknowledged writings; and the thoughts are neither beautiful, nor always exempt from affectation. The king's letters during his imprisonment, preserved in the Clarendon State Papers, and especially one to his son, from which an extract is given in the History of the Rebellion, are more satisfactory proofs of his integrity than the laboured self-panegyries of the Icon Basilike.”

CHARLES II.

January 30,
1649.

861.

*Regicides
form a pre-
tended go-
vernment.
Rushworth's
Hist. Coll.
part 4.
Walker's
Hist. of
Indepen-
dency.
1 Eliz.
cap. 1.
3 James 1.
cap. 4.
Scobell's
Collect. of
Acts, &c.
fol. 3.
Feb. 9,
A. D. 1648-9.
The acts
enjoining the
oaths of al-
legiance and
supremacy
repealed.*

Behemoth.

WHEN the king was murdered, the prince of Wales was at the Hague, and not ill, though somewhat cautiously entertained by the States of Holland. The English rebels forbid the proclaiming him under the penalty of high-treason: they voted the house of lords useless and dangerous, giving the peers leave, notwithstanding, to sit in the house of commons, provided they were elected. The Rump-parliament, now at the helm, proceeded to abolish kingly government, and choose a council of state, with whom they lodged the executive part of the rebellion. From hence they advanced to repeal the oaths of allegiance and supremacy. Thus, when the rebels had made themselves liable to the highest forfeitures by a continued breach upon these laws, they thought it necessary to take them out of the way. This was a shrewd expedient! And by the same authority a set of libertines may abrogate the seventh commandment; or, to bring the resemblance a little nearer, by the same right a company of thieves, who have raised their fortunes by their profession, may meet together, dub themselves the legislature, and declare the statutes against burglary and robbing void, and of none effect. "But that when many men swear singly, they may, when assembled, absolve themselves if they please," was a piece of law which even Hobbs confesses he could not understand.

A little after, a petition was addressed to his excellency Thomas Fairfax, "lord general of the forces raised for the defence of the Gospel of Jesus Christ, and the enlargement of the liberty of the well-affected English." The address makes a recital of the sins and corruption of the times, and prays,

*A petition
from Nor-
folk to the
lord general
Fairfax.*

"1. That none but men of known integrity, fidelity, and well-affected to the cause, may be put into any office, military or civil, and that no delinquent (that is, no royalist) may be trusted with any public employment.

"2. That the scandalous, ignorant, and malignant clergy, may no longer take the word of God into their mouths, but that a godly and painful ministry may be settled throughout the kingdom, and that all rectories may be restored for their maintenance."

But here these well-affected petitioners seem to forget CHARLES II. themselves; for immediately after they moved, "That tithes may be wholly taken away, and every minister have a hundred pounds per annum, to be raised by a rate upon the respective parishes. They insist farther upon purging the schools and the universities, and reforming the law: for instance, they would have perjury and subornation capitally punished, that no cause should hang above two terms, and that the number of lawyers should be retrenched, and the fees made less, and ascertained."

The Presbyterian ministers, not having interest enough to prevail with the army and the Westminster junto, for preventing the king's murder, endeavoured to wipe off the aspersion of their being a party to this wickedness: for this purpose they published a paper, in which they disclaimed and detested the proceedings of the regicides. Their vindication is signed by fifty-nine ministers: among these abhorers are Cornelius Burges, William Gouge, Edmund Stanton, Thomas Temple, doctors in divinity; Edmund Calamy, pastor of Aldermanbury; William Spursthow, of Hackney; with several others unmentioned in the former list. But these divines did not well consider, that by their preaching up the warrantableness for fighting the government, and their zeal for the parliament cause, they failed in their allegiance, and broke the laws; and in consequence of this, were unhappily instrumental in disabling the king, and laying him at the mercy of the rebellion.

About this time Fairfax and the army published a paper, entituled, "The Agreement of the People:" this, as the Presbyterians rightly judged, gave a dangerous liberty to all persuasions. To prevent ill impressions from this quarter, the ministers of Essex, Leicestershire, and Lancashire, appeared in print: in managing the argument, they take notice the agreement suggests, "That the Christian religion shall be held forth and recommended as the public profession in this nation;" but then they do not define Christianity, nor distinguish it from other religions: farther, "the Agreement would have the public profession so held forth, that none may be compelled by penalties, or otherwise, but only may be endeavoured to be made one by sound doctrine, and the example of a good conversation." It is true, they exclude popery and prelacy from this privilege: but this limitation doth by no

Whitlock's Memorials, &c. p. 379. *The Presbyterian ministers endeavour a vindication of themselves from the charge of being concerned in the king's murder.* A Vindication of the Ministers of the Gospel in and about London, &c. London: printed in the year 1648.

Essex Men's Watch-Word, &c. Paper, called the "Agreement," &c. by the ministers of Christ in the province of Lancaster. The humble representation of the committee,

ministry, &c. in the county of Leicester. They publish an answer to a paper called, "The Agreement of the People," &c.

means satisfy the Presbyterians. They conceive the indulgence takes in too large a compass, and that Anabaptists, Antinomians, Arians, Socinians, and other gross mispersuasions, may be comprehended. However, the agreement pretends this liberty is "fundamental to our common right, to our freedom and safety:" to this the Presbyterians return, they would be glad to know what right there can be in a liberty for iniquity? In a liberty to corrupt the articles of faith, and break the ordinances of God; to propagate infection, to disconcert the unity of the Church, and destroy the souls of men? What sort of freedom is it to ramble from truth, and revolt from God, and to be led away by ignorance and error? What safety can be

Deut. vii. 5.
xii. 2, 3.
xiii. 1, 2.
Gen. xviii.
19. xxxv. 2.
1 Tim. ii. 1,
2.

2 John 10.
Rev. xvii.
12, 13, 14.
16.
Matt. vii. 15.
Gal. i. 9.
Phil. ii. 2.
A declaration concerning religion.

A D. 1649.

Whitlock's
Memorials.

expected by opening the sheep-folds for the wolves to enter, to give heresy an unlimited range, and feed the disease without thinking of a remedy? And, to enforce this reasoning, they cite a great many texts, both from the Old and New Testament. The Rump-parliament, finding the Presbyterian ministers perplexed the cause, committed a bill, prohibiting ministers intermeddling with state affairs; and, to soften this restraint a little, and reconcile the different parties, they gave order for a declaration touching matters of religion, and settling the Church: the expedient imported, that tithes shall not be taken away, till another maintenance, equally large and honourable, be provided for the minister: that as soon as such a provision can be made, tithes shall be taken off, and the national Church establishment shall be the Presbyterian government: and, lastly, that an expedient should be found out for the admitting all such Churches as tend to godliness: and that such congregations shall be tolerated, and free from disturbance.

Upon the strength of these indulgences, the office of preaching was sometimes invaded by the laity, and strange flights of enthusiasm and phrenzy thrown out for prophecy. For instance, at Walton upon Thames, in Surrey, a soldier coming into the church with a candle and lantern, and being refused to hold forth there, went into the church-yard, and told the people, "he had a vision, and received a command from God, which he was to deliver, and which they were to govern themselves by, under pain of damnation: it consisted of five lights:

862. "1. That the sabbath was abolished as unnecessary, Jewish, and merely ceremonial; and here (says he) I should have put out my first light, but the wind is so high I cannot light it.

"2. Tithes are abolished as Jewish and ceremonial, a great

A desperate enthusiast's five lights.

burthen to the saints of God, and a discouragement of industry and tillage: and here the second light should have been put out, but for the reason above mentioned. CHARLES II.

“3. Ministers are abolished as anti-Christian, and of no longer use now Christ himself descends into the hearts of his saints, and his Spirit enlightens them with revelations and inspirations.

“4. Magistrates are abolished as useless, since Christ himself is, in the purity of the Spirit, come amongst us, and has erected the kingdom of the saints upon the earth: besides, magistrates are tyrants, and oppressors of the liberty of the saints, and tie them down to laws and ordinances, mere human inventions.”

After this, he pulled a Bible out of his pocket, held it up to the people, and then went on with the following blasphemy. “Here is a book you have in great veneration, consisting of two parts, the Old and New Testament: I must tell you (says he) it is abolished: it contains beggarly rudiments, milk for babes: but now Christ is in glory amongst us, and imparts a fuller measure of his Spirit to his saints than this can afford; and therefore I am commanded to burn it before your faces:” upon this, he set fire to the leaves, and then putting out the candle, let them know his fifth light was extinguished.

To impose upon the people, and carry on the farce the better, the Rump-parliament erected a corporation for “promoting and propagating the Gospel in New England.” For this purpose they ordered a general collection throughout the kingdom, that the parish ministers should read their pretended act, and recommend a subscription for this purpose.

And now having set up for a commonwealth in form, they fortified their scheme with an oath called the engagement: thus their officers, civil, military and others, swore to be true and faithful to the commonwealth of England, as it is now established, without king or house of lords. And here those who took the oath had the liberty, either of laying their right hand on the Bible, or holding it up when this engagement was administered. The penalty of non-compliance was, that those in public employment should lose their offices; and others who refused were barred the benefit of the law, and disabled to sue in any court. This latter severity passed the house some months afterwards, and pressed the engagement upon all persons throughout the kingdom.

Hist. of Ind-
dependency,
part 2.
p. 152.

Scobel's
Collect. of
Acts, &c.
fo. 68.
July.
*The rebels
form a com-
monwealth,
and vote the
lords useless.*

Id. fol. 88.
Sept. 5.

Decem.
Whitlock's
Memorials,
p. 420.

The Scotch Covenanters apply to the king, but with a mixture of misbehaviour.

The Scotch Covenanters who began the rebellion at home, and supported it here, came now to a rupture with their English confederates. They found their covenant discountenanced by the Rump at Westminster, and it may be, they might think the rebellion carried too far: in short whatever the motives of their disgust were, they pretended themselves highly injured, and complained loudly against the regicides. This dissatisfaction brought them towards some thoughts of loyalty to the present king: though it must be said, they managed themselves very untowardly in this recollection. For instance, the general assembly of the Kirk sent a declaration to the king, in which there appears a very odd mixture of duty and ill manners. "They take the freedom to reprimand his majesty for adhering to the council of James Graham, (meaning the brave marquis of Montrose) and his accomplices: they advise him to settle the Presbyterian government and worship, in all his dominions: upon this condition, they promise him their assistance; 'but that otherwise all the blood shed by his father will be laid to his charge.'"

Ibid.

The Rump provision for learning in Ireland.

At Westminster an act passed for the advancement of the Gospel, as they called it, in Ireland; for settling several parcels of land upon the college of Dublin, formerly belonging to the see and cathedral of that city: there was likewise a provision for the erecting and maintenance of a free school in Dublin. This ordinance was a varnish for the iniquity of the times; and thus they endeavoured to bribe the university into the revolt. This act was followed by another for abolishing the hierarchy in Ireland, and forbidding the use of the Common Prayer there.

March, A.D.

1649-50.

Id. p. 429.

They suppress the

hierarchy,

and prohibit

the Common

Prayer in

that king-

dom.

The death of

archbishop

Williams.

In the beginning of the next year, Williams, archbishop of York, departed this life. This prelate, upon the breaking out of the rebellion, distinguished himself in the king's service. His active loyalty brought him in danger of being seized and murdered at his castle of Cawood. To execute this design, young Hotham came thither with a party in the night. But the archbishop having notice some hours beforehand, made his escape. However, his house was plundered, and his learned collections and compositions destroyed. He retired into Wales, where he promoted the king's interest considerably, fortified the castle of Abberconway at his own expense, and put the country in a posture of defence for his majesty. The king, informed of the service the archbishop had done him,

*March 25,
A. D. 1650.*

wrote several letters to testify his great satisfaction ; and ^{CHARLES} which goes somewhat towards a justification of what happened ^{II.} afterwards, the king gave Williams the custody of Abberconway castle, by a letter under his signet, with an authority to keep it till his expenses were reimbursed : notwithstanding this grant, sir John Owen, by virtue of a commission from prince Rupert, seized the fort, and made prize of the archbishop's effects, and those of the country, lodged there. The archbishop thus ousted, sent a complaint of this usage to Oxford ; but his messenger brought no redress. About fifteen months after, when Oxford was invested, and the king's affairs not likely to recover, the archbishop made terms with colonel Milton, who commanded for the parliament ; and promised to assist him in storming the castle, upon condition his effects, and those of the neighbourhood, might be restored. Williams with his relations attacked sir John Owen, and helped to force him to a surrender. This indulging the warmth of his temper, and pushing his resentment too far, made his former services almost forgotten, and proved unserviceable to his memory.

After the murder of the late king, the archbishop lived very retired, seemed to take no satisfaction in his life, and used to rise every night at midnight to his devotions. As to the rest of his character, I shall only add, he was a prelate of great learning and courage, and well qualified for business both in Church and State : his private life was unexceptionably regular, and his fortune creditably spent in charity, benefactions and hospitable living. He was born at Abberconway in the county of Carnarvon, and was a gentleman well descended on both sides.

Bishop
Hacket's
Life of
Archbishop
Williams.
863.

The extravagant indulging of opinions, and flourishing upon the liberty of the subject, encouraged the levellers, called the planters of commons, to address the rumpers for general freedom. " They desired they might be restored to the privilege of Adam's descendants ; that some of the restraints of property might be taken off, and the earth made common to industry : that every body's labour might furnish them freely with the conveniences of clothes and diet : that the incumbrances of paying of rent, and doing homage to a fellow creature of their own kind, might be no longer suffered ; and that the mark of servitude and tyranny being thus taken out of the way, all

The levellers' address.

people might live at ease, and enjoy the benefit of their creation."

Whitlock's
Memorials,
p. 432.
*A bill
against
incest, adul-
tery, &c.*

To keep on the mask of reformation, the pretended parliament passed a bill for discountenancing licentiousness. By their act, incest and adultery are made felony, and fornication punished with three months' imprisonment: panders and bawds are whipped, pillored, marked with a hot iron in the forehead with the letter B, and imprisoned three years for the first offence: the second offence is felony without benefit of clergy.

May, A.D.
1650.
Scobell's
Collect. &c.
fol. 121.

By another act made this summer against atheistical, blasphemous, and execrable opinions, the reader may collect the declension of morality, and the lamentable condition to which belief and practice were now reduced: in this pretended statute it is enacted, amongst other things, that if any person shall profess, "that the acts of adultery, drunkenness, swearing, and the like open wickedness, are in their own nature as holy and righteous as the duties of prayer, preaching, or giving thanks to God; or whosoever shall avowedly profess that happiness consists in the commission of such crimes; that there is really no such thing as unrighteousness or sin independent of conscience and opinion; that there is neither heaven nor hell;" with some other blasphemies too horrid to be inserted: if any person shall be convicted of maintaining such frightful doctrine, they were to suffer six months' imprisonment for the first, and be banished for the second offence: and in case they returned without leave, they were to be treated as felons.

August.
*An act
against blas-
phemy and
execrable
opinions.*

Id. fol. 124.
*The Scotch
Covenanters
disengage
with the
king, and
are defeated
at Dunbar.*

In Scotland, the Kirk not finding the king compliant with all their extravagant demands, drew off to a distance, and set up for themselves. In short, his majesty's household was purged, and most of the royalists obliged to quit the country and retire to Holland. And now many of the military list going into the Kirk interest, they levied forces, and fortified the castle of Edinburgh. This looked like menacing, and made the Rump apprehensive their affairs might be embroiled from that quarter. And therefore, by way of precaution, they gave Cromwell the command of the army, and ordered him to march into Scotland, to check the commotions there. Lieutenant-general Cromwell was made commander-in-chief of their forces; for their general, lord Fairfax, chose rather to lay down his commission than attack the Covenanters. To proceed: the Kirk prevailed with the officers to fight the English

Sept. 3.

at Dunbar ; where, notwithstanding the superiority of their numbers, the Scots were entirely defeated. Before the battle, the Kirk, relying on the strength of their forces, and being confident of success, would neither permit the king nor the English royalists to appear in the army : as for Cromwell, he lost no time in improving this victory. He marched farther into the country, and made himself master of Leith and Edinburgh, excepting the castle of the latter. And the better to recommend his moderation, and make them believe the fighting their religion was no part of his business, he sent word to the governor of Edinburgh castle, that the ministers with him might return to their churches, and preach without being disturbed. To this the ministers' answer was, "that they found nothing expressed from whence they might infer security for their persons ; and therefore they resolved to reserve themselves for better times, and wait upon him who had hidden his face for a while from the sons of Jacob."

CHARLES
II.

Whitlock.
*Cromwell
clears him-
self from the
charge of
disturbing
the Scotch in
their re-
ligion.*

Cromwell, to vindicate himself from the imputation of insidious dealing, replied in a letter to the governor to this effect: "that his kindness offered to the ministers in the castle was meant fairly, and without any fraudulent reserve, and that he expected to have met with the same candour and frankness ; and that if their Master's service, as they pretend, was their principal concern, the fancy of suffering would not have made them so excessively cautious : that these divines misreport the conduct of his party when they charge them with drawing a persecution upon the ministers of Christ in England."

*His two let-
ters to the
governor of
Edinburgh-
castle upon
this subject.*

"The ministers of England," continues Cromwell, "are countenanced and supported : they have the liberty to preach the Gospel, though not to rail at discretion, nor under any pretended privilege of character to top the civil authority, and sink it towards insignificance. No man, as he goes on, has been disturbed in England or Ireland for preaching the Gospel ; nor has any minister been molested in Scotland since the English forces came thither." And to deliver the rest of the letter in Cromwell's language, "The speaking truth," says this gentleman, "becomes the ministers of Christ. When ministers pretend to a glorious reformation, and lay the foundation thereof in getting to themselves power, and can make worldly mixtures to accomplish the same, such as their late agreement with their king, and hopes by him to carry on their designs ;

they may know that the Sion promised and hoped for will not be built with such untempered mortar.

“ And for the unjust invasion they mention, time was when an army of Scotland came into England, not called by the supreme authority. We have said in our papers, with what hearts, and upon what account we came, and the Lord hath heard us ; though you would not, upon as solemn an appeal as any experience can parallel.

“ Let them trust purely to the sword of the Spirit, which is the word of God, which is powerful to bring down strongholds, and every imagination that exalts itself, which alone is able to square and fit the stones for the New Jerusalem,—

“ Then, and not before, and by that means and no other, shall Jerusalem (which is to be the praise of the whole earth), the city of the Lord, be built, the Sion of the Holy One of Israel : I have nothing to say to you, but that I am,

“ Sir, your humble servant,

“ O. CROMWELL.”

Id.
Sept. 9.

864.

The Scotch ministers returning an answer to this letter, Cromwell sent them a second proof of his rhetoric, much in the same strain with the former.

“ We look,” saith he, “ upon ministers as helpers of—not lords over—the faith of God’s people. I appeal to their consciences, whether any denying their doctrines and dissenting shall not incur the censure of sectary ? And what is this, but to deny Christians their liberty, and assume the infallible chair ?

“ Where do you find in Scripture that preaching is included in your function ? Though an approbation from men hath order in it, and may do well, yet he that hath not a better than that, he hath none at all. I hope He that ascended up on high may give his gifts to whom he please ; and, if those gifts be the seal of mission, be not envious, though Eldad and Medad prophesy : you know who bids us covet earnestly the best gifts, but chiefly that we may prophesy.

“ Which the apostle explains there to be a speaking to instruction, and edification, and comfort, which the instructed, edified, and comforted, can best tell the energy and effect of.

“ If such evidence be, I say again, take heed you envy not

for your own sakes, lest you be guilty of a greater fault than Moses reproved in Joshua for envying for his sake. CHARLES
II.

“ Indeed you err through the mistake of the Scriptures : approbation is an act of conveniency, in respect of order ; not of necessity, to give faculty to preach the Gospel.

“ Your pretended fear lest error should step in is like the man who would keep all the wine out of the country lest men should be drunk. It will be found an unjust and unwise jealousy to deny a man the liberty he hath by nature, upon a supposition he may abuse it. When he doth abuse it,— Id. p. 458. judge.”

Some few days after the victory at Dunbar, the governor of Edinburgh-castle charged Cromwell and the Westminster juncto with falling off from their first principles, and not being true to the ends of the covenant ; and, secondly, he objected, that, in England, men of secular employments had usurped the office of the ministry, to the scandal of the reformed Kirks.

In answer to the first part of this expostulation, Cromwell desired to know, whether their bearing witness to themselves was good evidence of their having prosecuted the ends of the covenant, and whether their own affirmation is sufficient to justify their conduct ? He tells them, that to infer this, is to have too favourable an opinion of their own judgment and impartiality ; that their doctrines and practice must be tried by the touchstone of God’s Word ; that other people must have a liberty of examining them upon these heads ; and, where there is a right to try the cause, there must be a liberty allowed for giving sentence.

Perfect
Diurnal,
p. 476, &c.
*He purges
himself from
further im-
putation of
being false to
the ends of
the covenant.*

As to the charge of indulging the use of the pulpit to the laity, Cromwell replied in these words : “ Are ye troubled,” saith he, “ that Christ is preached ? Does it scandalize the reformed Kirks, and Scotland in particular ? Is it against the covenant ? Away with the covenant, if it be so. I thought the covenant and these men would have been willing that any should speak good of the name of Christ : if not, it is no covenant of God’s approving ; nor the Kirk you mention so much, the spouse of Christ.” *He defends
the preach-
ing of lay-
men, and
justifies the
reasoning
from events.*

“ In answer to the witness of God upon our solemn appeal,” continues Cromwell, “ you say you have not so learned Christ, as to hang the equity of a cause upon events. We could wish

that blindness had not been upon your eyes to those marvellous dispensations which God hath lately wrought in England. But did not you solemnly appeal and pray? Did not we do so too? And ought not we and you to think with fear and trembling of the hand of the great God, in this mighty and strange appearance of his, and not slightly call it an event? Were not your expectations and ours renewed from time to time, whilst we waited on God to see how he would manifest himself upon our appeals? And shall we, after all these our prayers, fastings, tears, expectations, and solemn appeals, call these bare events? The Lord pity you!"

Id.

This canting logic sufficiently sheweth the fallacy of reasoning from success. Thus, Cromwell argued closely *ad hominem* against the Scotch Covenanters, and turned their own artillery upon them. This fortunate campaign in Scotland raised the spirits of the independent party at Westminster, and made them more hardy in executing their scheme; and now, to recommend themselves farther to the populace, and draw all the sectaries to their interest, they passed a repeal of several penal statutes for not coming to church. The preamble sets forth, that, "by the said acts, divers religious and peaceable people, well affected to the prosperity of the commonwealth, have not only been molested and imprisoned, but also brought into danger of abjuring their country, or, in case of return, to suffer death as felons, to the great disquiet and utter ruin of such good and godly people."

1 Eliz.
cap. 2.
23 Eliz.
cap. 1.
35 Eliz.
cap. 1.
Sept. 27.
Penal statutes against Dissenters repealed.
Scobel's Collect. of Acts, &c.
fol. 131.

This year, George Fox, an ordinary mechanic, preached his "new light," and began the sect of the Quakers.

The Scotch Covenanters apply to the king, and crown him at Scone.

Hist. of Independents,
part. 4.

The defeat the Scots received at Dunbar brought the Covenanters to some temper, and recovered them towards duty to the government; and, for a proof of their recollection, they invited the king to return from the Highlands, and crowned him at Scone, with the customary ceremony and magnificence¹.

¹ It is to be regretted that Collier's History of the Reign of Charles II. is so much shorter and less elaborate than his account of the reigns preceding. What we might have expected and desired is precisely the reverse; for the historic notices of our monarchs, and the affairs of the Church, ought to grow and expand the nearer they approach to our own times. But whether Collier's health and patience were exhausted, or whether, finding himself treading on dangerous ground,—*in suppositis cineres*,—he indulged a degree of timidity and diffidence, which were foreign to his nature and his usual conduct, we know not; but certain it is, that his reign of Charles II. is the least

At Westminster, the house had a warm debate upon a bill for turning all law-books and proceedings in courts of justice into English. To make way for the bill, Whitlock, a member of the long-robe, declared he did not think it reasonable the generality should implicitly depend upon the skill of others, nor altogether rely upon foreign integrity; and that, since the lives and fortunes of the people are governed by law, and subject to it, he thought it should be penned in the mother-tongue, and lie open to common view.

CHARLES II.
An argument for turning the law books into English.

To support this opinion, he observes that Moses read the law to the Jews in the Hebrew tongue; that God commanded him to write and explain this public provision in the language of the country; that they were deeply concerned to know where their rights, their privileges, were settled, where the forfeitures were marked out; and not be kept in ignorance of the rule by which their interest was directed. The laws of the Eastern nations (continues this gentleman) were in their mother-tongue. The laws at Constantinople were in Greek; at Rome, in Latin; and in France, Spain, Germany, Sweden, Denmark, and other places, their laws stand published in their native language. As for your own country (saith he), everybody, that can read the Saxon character, may find the laws of your ancestors in the English tongue. Pursuant to this regulation, William, duke of Normandy, commanded the laws to be proclaimed in English, that none might pretend ignorance. And, to reinforce these authorities, he takes notice, that 36 Edward III. it was ordered in parliament that pleadings should be made in English; and in the reigns of those times, when our statutes were enrolled in French, the sheriffs were obliged to proclaim them in English. In this speech, this member endeavours to disprove the English laws being introduced by the Conqueror: and here his reasoning seems to

865.

Whitlock's Memorials, p. 460. et deinceps.
See Eccles. Hist. pt. I. under the reign of William the Conqueror.

satisfactory of the series. It consists of no more than forty-four pages, though it should have been extended to six times as many; and is defective in that compass of conception and minuteness of detail, for which its author's other works are celebrated. The plan of this edition will not permit me to add those large stores of valuable matter, which might be selected from other sources, to illustrate the text. But should the public favour my design of composing a continuation of Collier's History (a design, the execution of which depends on the encouragement of subscriptions), I shall endeavour to make the reign of Charles II. a far more complete and inclusive work. Nor shall I be less careful to make the ecclesiastical records of his successors as full of useful facts and reflections as my opportunities of study shall permit.

fail. But this argument, having been already considered in the first part of this work, needs not be repeated.

As for the bill, the house passed it in the form following:—

*A bill passed
for this purpose.*

“ The parliament have thought fit to declare and enact, and be it declared and enacted by this present parliament, and by the authority of the same, that all the report-books of the resolutions of judges, and other books of the law of England, shall be translated into the English tongue: and from and after the first day of January 1650, all report-books of the resolutions of judges, and all other books of the law of England, which shall be printed, shall be printed in the English tongue only.

“ And be it farther enacted, by the authority aforesaid, that from and after the first return of Easter term, which shall be in the year one thousand six hundred fifty and one, all writs, process, and returns thereof, and all pleadings, rules, indictments, inquisitions, certificates, and all patents, commissions, records, judgments, statutes, recognizances, rolls, entries, and proceedings of courts-leet, courts-baron, and customary-courts, and all proceedings whatsoever in any courts of justice within this commonwealth, and which concerns the law and administration of justice, shall be in the English tongue only, and not in Latin, or French, or any other language than English, any law, or custom, or usage, heretofore to the contrary notwithstanding. And that the same, and every of them, shall be written in an ordinary, usual, and legible hand and character, and not in any hand commonly called court hand.

“ And be it lastly enacted and ordained, that all and every person and persons offending against this law, shall for every such offence lose and forfeit the full sum of twenty pounds of lawful English money; the one moiety thereof to the use of the commonwealth, and the other moiety to such person or persons as will sue for the same in any court of record, by action of debt, suit, bill, plaint, or information; in which no wager of law, essoin, or other delay, shall be admitted or allowed.”

Scobel's
Collect.
fol. 148.
April, A. D.
1651.

About four months forward, an act passed for referring the translation of law-books and forms of process to the speaker, the commissioners of the great seal, the two chief justices, and the chief baron. And what was agreed by these, or any two of them, was to pass for an authentic translation, and have the

great seal fixed to it. And here a proviso was thrown in, that these acts were not to extend to the courts of admiralty; but that the proceedings there might pass and be certified in Latin, according to ancient usage.

CHARLES
II.

Id. fol. 154.

Mr. Love, who had preached seditiously against the late king at Uxbridge, fell under the displeasure of those at the helm, and was tried for high-treason. He confessed himself privy to a design for concerting with the Scots, and was sentenced to lose his head. Upon the day fixed for his execution, a petition was presented to the pretended parliament by several London ministers, requesting, that in case it was not thought proper to grant a pardon, they might at least prevail for a reprieve. This address procured a month's respite, after which he was beheaded on Tower-hill.

*Love tried
for high
treason,
and exe-
cuted.*

The Scotch Royalists and Covenanters, being now tolerably reconciled, the king appeared at the head of a considerable army in that country; and, after having tried his fortune to some disadvantage with Cromwell, entered England by way of Carlisle. Massey, who had signalized himself at Gloucester against the late king, was now returned to his duty, and trusted by his present majesty. This gentleman being an officer of character, and an eminent Presbyterian, was detached with some troops, and ordered to keep about a day's march before the army; his business was to give notice of the king's approach, prepare the gentry to attend him, and bring in those of his own party.

Whitlock's
Memorials,
p. 468. 471.
et alib.

*The king
marches with
an army
into Eng-
land, and
is defeated
at Worcester.*

This expedition, though not the worst concerted, is said to have been ruined by entertaining a committee of Scotch ministers in the army. These divines observed, that after the king's entrance into England, those about his majesty grew cooler in their regards for the covenant. Upon this shocking discovery, they sent an express to Massey, without acquainting the king with such an extraordinary freedom. This messenger was furnished with letters and a declaration, which Massey was required to publish. The instrument set forth "the king's and the whole army's zeal for the covenant, and their resolution to prosecute the true intent of this engagement; they likewise forbid him entertaining any soldiers, excepting such who would subscribe the same obligation." The king, who had quickly notice of this dispatch, sent a countermand to Massey: but, before this order was received, the business took

Lord Clarendon's
Hist. of the
Rebellion.
p. 399.

air, spread through the kingdom, discouraged his majesty's friends, and made a great many people less forward to serve him than formerly. Notwithstanding this accident, the king held on his march to Worcester, and entered the town. And now Cromwell and Lambert being come up with a superior army, a decisive battle was fought on the 3d of September. During the action the king distinguished himself, and did his own part to great commendation. But his troops being overlaid with numbers, were, after a stout resistance, broken, and routed. After this defeat the king lay concealed for some time, and with much difficulty got himself transported to France. Cromwell, in his letter to the pretended parliament, confesses the battle was fought with various success for some hours. I shall give the reader some of his religious cant upon this occasion :—

*Cromwell's
canting re-
flections
upon the
victory.
This letter is
directed to
the speaker.*

866.

“ The dimensions of this mercy are above my thoughts : it is, for aught I know, a crowning mercy ; surely if it be not, such an one we shall have, if this provoke those that are concerned in it to thankfulness, and the parliament to do the will of Him who hath done his will for it and for the nation, whose good pleasure is to establish the nation and the change of the government, by making the people so willing to the defence thereof, and so signally to bless the endeavours of your servants in this late great work.

“ I am bold humbly to beg, that all thoughts may tend to the promoting His honour, who hath wrought so great salvation, and that the fatness of these continued mercies may not occasion pride and wantonness, as formerly the like hath done to a chosen people.

“ But that the fear of the Lord, even for his mercies, may keep an authority, and a people so prospered and blessed, and witnessed to, humble and faithful, that justice and righteousness, mercy and truth, may flow from you, as a thankful return to our glorious God : this shall be the prayer of

“ Sir,

“ Your most humble and obedient servant,

Whitlock,
p. 483.

“ Worcester,
“ Sept. 4, 1651.

“ O. CROMWELL.”

After the English had overrun Scotland, and brought that nation to submission, the Presbyterian discipline was quickly checked. For instance, the lord of Drum, being cited by the presbytery of Aberdeen, summoned them to appear before colonel Overton: he declared himself under the protection of the parliament of England, and refused to acknowledge any other jurisdiction. But provided the Kirk would wave their pretences to authority, he offered to purge himself from the imputation of popery. This laird gave lieutenant-general Monk a letter of thanks for restoring conscience to its just freedom, and rescuing the people from the tyranny of the presbyteries. It must be said, Monk brandished his sword over the assembly, and published an order that neither any oaths, nor the covenant, should be imposed upon any person, without direction from the State of England. And that unless they acquiesced in these points, he should treat them as enemies. He likewise commanded the magistracy not to seize the estates of any excommunicated persons, prohibit correspondence with them, or give them any other disturbance. And thus the discipline of the Kirk was disabled, and laid asleep. But the Presbyterians, headed by the lord Wariston, resolved to contest the matter as far as a remonstrance, and sent a letter to major-general Lambert, in which they charge the English with downright invasion and shedding the blood of many of the Scotch saints: however, they confessed themselves justly punished for their late treaty with the king. They proceed in their expostulation, and complain of the English army for countenancing deposed ministers, and allowing them the pulpit; for silencing others of that function, upon the score of intermeddling in their sermons with matters of State; they complain of their permitting officers to preach; for their subordinating the Church to the State in spiritual things; for tolerating the gathering of Churches, pursuant to the practice in England; for lessening the authority of Kirk assemblies, and putting magistrates upon them of unorthodox principles. In the close, they offer to comply as far as their conscience and the liberty of the Kirk will give them leave, and intreat Lambert to use his interest on their behalf, with the rest of the English commissioners.

CHARLES
II.
*Monk checks
the Scotch
discipline.*

*The laird of
Drum's letter to the
presbytery of
Aberdeen.*

Id. p. 497.

By the way, upon Cromwell's successes, the Scotch surrendered the administration to the Rump-parliament, and were

governed by eight English commissioners, Lambert and Monk being two of the number. To proceed, notwithstanding Monk, by order from the commons at Westminster, had laid an embargo upon the Scotch discipline, the Kirk went vigorously on with their jurisdiction, and declaimed with great freedom and vehemence against the English: and Cant, a celebrated preacher, harangued his audience to prepare for suffering, pressed the covenant, and when parents offered their children to baptism, he made them promise to educate them for that engagement.

The presbytery of Aberdeen made another trial upon the laird of Drum: they let him know, they resolved to excommunicate him, unless he made a submission and revoked his appeal. This notice was given him in a letter, in which they exhorted him to prevent this dreadful sentence, putting him in mind, that presbytery is the Lord's ordinance; and for proof, cited 1 Tim. iv. 14. and that religious swearing is not only lawful, but commanded by God himself. To this letter the laird of Drum returned an answer in writing, in which he acquaints them, that he could neither in conscience nor honour comply with their demands, and that he was not at all concerned at the menace of their censure. He endeavours to press them with a dilemma, and argues, they are either infallible, or fallible, in forming their resolutions: and here he concludes, they have not assurance enough to challenge the first quality, though their practice oftentimes requires no lesser privilege to support it: however, if they should claim thus high, their counter-marches and frequent changes would disprove them. And since they must confess themselves fallible, he is not much affected with a fallible sentence; he conceives there is a great deal of reason to believe them actually mistaken in urging him to swear, that this Presbyterian scheme is the only Church government established by Christ. And as for their proof from 1 Tim. iv. 14. he tells them, this Epistle, and that to Titus, affords much stronger argument for episcopacy. He grants, that oaths are a branch of religious worship, but that they ought not to be taken without a reserve, without the limitations of judgment and truth. He desires them to remember, how strongly they had remonstrated against the tyranny of bishops, though they were willing to relax in some points, and come to a temper for tender consci-

ences. But, as this laird continues, when the Presbyterians held the reins, neither minister nor laird, no condition or sex, had the least share of indulgence. All people were forced to comply, and swear to the length of the Kirk's appointment, notwithstanding these guides knew many of the people practised one thing and believed another. Farther, that though they complained so much of the grandeur and pompous distinctions in the bishops; though they have not assumed the title of lords, they have exceeded the jurisdiction of the bishops, and strained up to a papal authority, and that their little finger has been heavier than the weight of the episcopal body. He wonders they should assert the same Presbyterian government is established by law in England, when it is well known the Presbyterians there have no such power of censoring, or forcing men upon oaths: that by such a permission the commonwealth of England would disimprove their condition, and make the restraints of conscience more troublesome than those they lay under from the prelates. That success hardened the Kirk against compassion, and made them more intolerable, and excepting pike and musket, was the strongest argument they ever used. At last he charges them with very remarkable rigour; that they had set up an inquisition against him, and that when other evidence failed, they forced his servants to swear the discovery of their knowledge of what passed in the house. This laird's name was Irving.

867.
Jan. 20.

To return to Westminster. Several passages in the Cracovian Catechism being reported to the house, this summary of belief was voted to contain matters "blasphemous, erroneous, and scandalous," and all the printed copies of that book were ordered to be burnt¹.

Id. p. 500.
April, A. D. 1652.

Id. p. 505.
The Cracovian Catechism ordered to be burnt.

Cromwell, who was now strengthened in his interest, and elated by a course of victory, grew weary of the Rump-parliament. At these men, lying cross to his greatness, and hindering his ambition from mounting, he resolved to make a bold push; and having concerted the design with his officers, he marched to the parliament-house with some troops, placed a guard at the door, and entered the house with a file of musqueteers. His manner of address was suitable to his military appearance: for, with an air of haughtiness and passion, he commanded the speaker to leave the chair; told the house

Cromwell turns out the Rump-parliament in a disgraceful manner.

¹ This is the favourite Catechism of the Socinians.

“they had sate long enough, unless they had done more good;” pointed to some of the members, and gave them coarse language; bade one of his soldiers “take away that fool’s bauble, the mace;” stayed till the house was empty, and then ordered the doors to be locked. The assembly of divines at Westminster, who had gone less and less for some time, and dwindled to a committee, were now entirely disabled, and sunk with this long parliament.

Id. p. 529.
April, A. D.
1653.

Fuller’s
Ch. Hist.
book 11.
p. 113.
June.

*Barebones’
parliament.*
Id. p. 532.

The first usurpation being thus melted down, Cromwell cast it in a new mould of his own contriving; and after some days of “humiliation, and solemn pretences of seeking God,” he issued out circular letters to a select number of his creatures to take upon them the government of the commonwealth. This set of men was called Barebones’ parliament. These members, for a proof of their zeal and capacity, voted down tithes, discouraged the ministry, harassed the universities, attempted almost an entire change of the constitution, and ran to the last extremes of folly and extravagance. This overdriving was ill relished without doors, as might well be expected. The enthusiasts, therefore, being apprehensive they might be called to an account, quitted their post, and resigned the government to Cromwell, who accepted the overture under the title of lord protector. The administration was conveyed to him by a solemn instrument; by which, amongst other things, a provision was made for successive triennial parliaments.

Dec. A. D.
1653.

*The authority of the
Scotch Kirk
quite broken
by the English
commissioners.*

To go back a little: the Scotch Kirk, which had struggled with the English commonwealth for some time, was now entirely broken. In July last a general assembly met at Edinburgh, and, after a sermon, went to their house and entered upon business. But before they had made any progress, lieutenant-colonel Coterel, breaking in upon them, mounted a bench, and made proclamation, “that no judicatory ought to sit that had not authority from the parliament of England.” Upon this, ordering them to retire, he guarded them off till they had passed the west gate. The next command they received, was to throw themselves into a circle, then surrounding them with his troops, he reprimanded them for the presumption of their meeting, took away their commissions, commanded them to disperse, not to meet three together, but to quit the town immediately, and repair to their respective dwellings.

Cromwell, now seated in his protector's chair, summoned a pretended parliament, where Lenthall was speaker. These members passed an act for settling a committee of triers, for the approbation of public preachers. Those who were admitted to any benefice or lecture, were obliged to pass the test of this committee, and receive an instrument equivalent to letters of institution or induction. It is true, the majority of these triers were ministers; but since eight of them were laymen, and any five enabled to execute the powers of the act, it might sometimes happen that none but secular men might act in this post, and determine upon the qualifications of those who were to preach and administer the sacraments. This act was confirmed in the next pretended parliament, held in the year 1656.

CHARLES II.
A committee of triers settled.

March 20,
A. D. 1653-4.

Scobell's
Collect. &c.
fol. 279.

Their next statute provides for removing scandalous and insufficient ministers and school-masters; that is, those who had continued firm to the Church and Crown. For this purpose a considerable number of secular commissioners are nominated for each county. There is likewise a list of ministers, throughout the same divisions of the kingdom, appointed for this purpose. By the act, the lay-commissioners could determine nothing without the approbation of the ministers, who were joined in commission with them. It must be said, these usurpers did not plunder and persecute without some resemblance of compassion; for by the act a fifth part of the profits of the benefice is allowed to the wives and children of the ejected ministers. And here likewise the ordinance for due payment of the tithes and other duties, made in the year 1647, is confirmed; and so was this act afterwards in the year 1656. It must not be forgotten, that, by a clause of this act, none was permitted to teach a school in the parish whence he had been ejected. And to make the pulpits more inoffensive, by an act passed soon after, no clergymen ejected for delinquency were to be re-admitted by the triers, without express order from his highness, as they called him, and his council.

A. D. 1654.

The fifth part of the profits and benefices allowed the ejected clergy.
Id. fol. 335.

Id. fol. 366.

This pretended parliament, grasping at the administration, and endeavouring to recover their former sway, were in the latter end of this year dissolved by Cromwell.

Jan. 22,
A. D. 1654-5.

In February, the next year, James Usher, archbishop of Armagh, departed this life. This most learned prelate was born at Dublin, in the year 1580. He was extracted from an ancient and considerable family of the surname of Nevil. In the reign of king John, one of his ancestors, who was gentle-

Primate Usher's death and character.

868.

Smith's
Vit. Jacob.
Usseri.

man-usher to that prince, changed his name to that of his office. His father, Arnold Usher, was a lawyer of character, and one of the six clerks of Chancery. His mother's father, James Stanyhurst, esq., was recorder of Dublin, one of the masters of Chancery, and speaker of the house of commons in three parliaments. The archbishop made an early progress in learning, and gave extraordinary proof of his capacity and improvement at eighteen years of age. His inclination leading him to the study of divinity, he entered into orders, and made a very considerable figure in that profession. In his younger time he adhered to the Calvinian side of the predestinarian controversy. However, he afterwards drew the union canon between the Churches of England and Ireland. But the warmth of his affection to the Protestant interest in general, and his zeal for a close correspondence between all the reformed Churches, made him depart a little from the primitive government, give too great an allowance to the Presbyterian scheme, and qualify the episcopal jurisdiction too much in favour of the schismatics. And it is supposed the relaxations made upon the head of episcopacy by the late king, in the Isle of Wight, were suggested by Usher. When the rebellion broke out, this archbishop was nominated by the parliament in the list of the assembly divines: but being dissatisfied with the convening authority, and foreseeing the fatal consequences of that meeting, he refused to appear.

When the king made Oxford his head quarters, the archbishop retired thither, declared strongly against the rebellion, and both by his sermons, other discourses, and letters, confirmed several who were wavering, and recovered some from an open revolt.

When Cromwell took the title of lord protector, he treated Usher with particular marks of esteem, sent for him to his court, and pretended to suggest a scheme for promoting the Protestant interest both at home and abroad. A regard for the Protestant religion was then a plausible cover to keep the usurpation out of view. For at this time of day Cromwell had not quite pulled off the mask, but by his discourses to Usher, seemed tolerably reconciled to the Church of England and episcopacy. But this year Cromwell finding himself strong enough to explain his malevolence, published a declaration, by virtue of which, those of the loyal clergy who either managed private schools, or officiated in noblemen's families, were

ordered to be imprisoned. When a new storm threatened those who had lost their fortunes before, some of the ejected divines desired Usher to use his interest with Cromwell, and try to prevail for some abatements of rigour. The archbishop addressing the usurper, requested the episcopal clergy might have a share in the common indulgence, and use the liturgy without disturbance from the soldiers. Cromwell promised to recall the declaration, or at least to prevent its being executed, provided the clergy were inoffensive in their discourses, and stood clear from meddling with matters of State. But when Usher made him a second visit to get this promise signed, the usurper told him, "that having advised with his council, and farther considered the matter, himself and the rest were of opinion that it was not safe for him to grant a liberty of conscience to those men who were declared enemies to his government."

CHARLES
II.

Id. et Parr's
Life of
Usher.

To proceed: the primate had a slender opinion of the Septuagint. For he would allow that nothing but the Pentateuch was at first translated. And thus far Aristæus, Josephus, and St. Jerom agree with him. That this first translation, lodged in Ptolemy's library at Alexandria, was destroyed by the accident of a fire. That the other version, made not long after, comprehending all the books of the Old Testament, and used by the Hellenist Jews and primitive Christians, was made after the fourth year of Ptolemy Philometer. That it was the performance of an obscure Jew, who was very unequal to the undertaking. That this man had taken an unaccountable liberty with the text, and made a great many omissions and interpolations: and that the difference between the Hebrew original and the Greek, is owing to this foul dealing. That the Jewish priests and Levites who officiated in Onias' temple at Heliopolis in Egypt, were imposed on by negligence and sloth, and took this version upon content. These are some of Usher's singularities upon this subject, for which he was called to account by the learned Valesius.

Annot.
Vales. ad
Hist. Eccles.
Euseb. in
Calce. Vid.
Prefat. Gra-
bil. in edit.
vers. 70.

Usher, as has been remarked, was a strict Calvinian, and held the predestinarian controversy in the sense of the Lambeth articles. But sometime before his death he changed his opinion touching the "five points," came over to the other side, and was reconciled to bishop Overall's sentiment. That this is matter of fact, appears by the signed testimonies of Dr. Bryan Walton, Mr. Peter Gunning, and Mr. Herbert Thorndike.

Smith's
Vit. Jacob.
Usseri.

This learned prelate, as has been observed, seemed to have an overbalance of affection for the foreign Protestant Churches. This put him upon some strain to vindicate their orders, and make their ministrations valid. For this purpose he revived the novelty of some of the schoolmen, and made no scruple to affirm that the office of bishop and priest was the same as to substance, and only different degrees of the same order.

Davenant's
Determinat.
Q. 42.

*Dum terit
Imaona
Hulæsus,
Arcadio
infelix telo
dat pectus
inermum.
Virg. Æn.
x. 425.*

Bishop Davenant was likewise of Usher's opinion in this point. But with all reasonable deference to this most learned primate, there appears more charity than caution in this latitude. This straining of courtesy for the Protestants abroad, seems to throw us off our guard, and weaken the English Reformation. It is the safest way to keep close to the earliest ages. These were times of light and truth, of zeal and union, of disinterestedness and courage. It is dangerous to cross upon the judgment of the first five centuries, and desert the practice of the primitive Church. As for the modern distinctions of Christianity, it may, in my humble opinion, be most advisable to stand aloof, and wish them well; to leave them to their own recollection and God's mercy; to pray their prejudices may be no longer too strong for them; that they may disengage from their novelties, and govern themselves by the ancient standard. As to the archbishop's opinion upon this question, it is somewhat remarkable, considering his publishing "St. Ignatius's Epistles:" for in the genuine writings of this martyr, the distinction between bishop and priest is plainly marked; the prerogative of the former set very high, and the supreme direction of ecclesiastical affairs lodged with him¹.

A.D. 1655.

Smith's
Vit. Jacob.
Usseri.

But notwithstanding this charitable bias, Usher made no difficulty to censure the practice of the English and Scotch Presbyterians. He would neither allow their orders, nor communicate with them. He charged them with downright perjury and revolt from the bishops; to whom they had engaged their faith, and sworn canonical obedience; that their ministrations were sacrilegious invasions of the episcopal privilege, and that they had no colour for their schism. And here it must be observed, that this archbishop, notwithstanding his relaxations already mentioned, maintained that bishops had a peculiar extent of spiritual authority. That this superiority

¹ Usher's views are somewhat more orthodox than Collier would seem to infer, and in those views may yet be discovered a method of reconciling many ecclesiastical differences.

was no concession of councils, no privilege of after ages, but settled by the apostles themselves. To conclude the archbishop's character; he was a great genius, a person of indefatigable industry, and in his life altogether regular and unblemished. And as to his attainments, to omit other instances of his proficiency, he was a great master in ecclesiastical learning and chronology. The learned works, either written or published by him, are too long to mention. He was buried in Westminster-abbey, Cromwell allowing two hundred pounds for the expense of the funeral.

CHARLES II.
869.

Id.

April,
A.D. 1656.

Whitlock's
Memorials,
&c. p. 632.

This year, James Naylor, and some others imprisoned at Bristol, being charged with blasphemy, the house ordered a committee to send for them, and examine the witnesses. Naylor was accordingly brought to the bar of the house, and, upon hearing the cause, they resolved him a grand impostor, and guilty of horrid blasphemy. The sentence pronounced against this criminal was, to stand in the pillory two hours at Westminster, to be whipped from thence by the executioner to the Old Exchange, and there to have his punishment in the pillory repeated; his tongue was likewise to be bored through with a hot iron, and his forehead stigmatized with the letter "B," with some other circumstances of correction¹.

Id. 643, 644.

It was ordered, at the grand committee for religion, that a sub-committee should advise with Dr. Walton, Mr. Hughes, Mr. Castle, Mr. Clerk, Mr. Poulk, Dr. Cudworth, and such others as they thought proper, to consider of the translations of the Bible, and to offer their opinions to the committee; and, to speak in the language of those times, the care of this business was recommended to the lord-commissioner Whitlock. This committee met frequently at Whitlock's house, consulted several of the most celebrated men for the oriental tongues, furnished themselves with learned observations upon this subject, pretended to discover some mistakes in the last English translation, which yet they agreed was the best extant. But this design, as Whitlock reports, miscarried by the dissolution of the parliament.

A committee
for consulting
divines
touching the
reviewing
the English
translation
of the Bible.
Feb. A.D.
1656-7.

Id.

About the latter end of this year, Dr. Walton published the Polyglot Bible.

The Polyglot Bible
published.

The Anabaptists, disappointed by Cromwell's ambition, and harassed with his arbitrary excesses, applied to the king. In

¹ This Naylor was a Quaker of great notoriety.

this address, they declaim with a great deal of warmth, and lament their own misbehaviour in very remarkable expressions. I shall give the reader part of it in the words of their address :—

*The Ana-
baptists'
address to
the king.*

“ We must confess,” say they, “ we have been wandering, deviating, and roving up and down, this way and that way, through all the dangerous, uncouth, and untrodden paths of fanatic and enthusiastic notions, till now, at last, but too late, we find ourselves intricated and involved in so many windings, labyrinths, and meanders of knavery, that nothing but a divine clew of thread, handed to us from heaven, can be sufficient to extricate us, and restore us. We know not, we know not, whether we have juster matter of shame or sorrow administered to us, when we take a reflex view of our past actions, and consider into the commission of what crimes, impieties, wickednesses, and unheard-of villanies, we have been led, cheated, cozened, and betrayed by that grand impostor,” &c.

And, after having railed plentifully upon Cromwell, they go on in this tragical manner against themselves : “ What have we done,” say they,—“ nay, what have we not done,—which either hellish policy was able to contrive, or brutish power to execute ? We have trampled under foot all authorities ; we have laid violent hands upon our own sovereign ; we have ravished our parliaments ; we have deflowered the virgin liberty of our nation ; we have put a yoke, a heavy yoke of iron, upon the neck of our own countrymen ; we have thrown down the walls and bulwarks of the people’s safety ; we have broken often repeated oaths, vows, engagements, covenants, protestations ; we have betrayed our trusts ; we have violated our faith ; we have lifted up our hands to heaven deceitfully ; and that these our sins might want no aggravation to make them exceeding sinful, we have added hypocrisy to them all ; and have not only, like the audacious strumpet, wiped our mouths, and boasted ‘ that we have done no evil ;’ but in the midst of all our abominations (such as are too bad to be named amongst the worst of heathens,) we have not wanted impudence enough to say, Let the Lord be glorified : let Jesus Christ be exalted : let his kingdom be advanced : let the Gospel be propagated : let the saints be dignified : let righteousness be established :

A. D. 1658.

‘pudet hæc opprobria nobis aut dici potuisse, aut non potuisse refelli¹.’”

CHARLES II.

Lord Clarendon's
vol. 3.

It must be said this is downright confession and honest repentance: this plain dealing looks much better than artificial distinctions; than retiring under the protection of Knox and Calvin, and applying to varnish and palliation.

During this usurpation, though the year is not mentioned, a paper was drawn up by some of Cromwell's divines for admitting the Jews with limitations. I shall report their resolution on this point in their own language:—

“The Jews desiring it,” as these divines determine, “may be admitted into this nation, to trade and traffic and dwell amongst us, as Providence shall give occasion.”

A resolution of some of Cromwell's divines touching the permitting Jews to settle in these kingdoms.

“This, as to point of conscience, we judge lawful for the magistrate to admit, in case such material and weighty considerations as hereafter follow be provided for: about which, till we are satisfied, we cannot but in conscience suspend our resolution in this case.

“I. That the motives upon which Manasses Ben Israel, in behalf of the rest of his nation, in his book lately printed in the English tongue, desires their admission into this commonwealth, are such as we conceive to be very sinful for this or any other Christian state to receive them upon.

“II. That the danger of seducing the people of this nation by their admission, in matters of religion, is very great.

“III. That their having synagogues, or any public meetings for the exercise of their worship or religion, is not only evil in itself, but likewise very scandalous to other Christian Churches.

“IV. That their customs and practices concerning marriage and divorce are unlawful, and will be of very evil example amongst us.

“V. The principles of not making conscience of oaths made, and injuries done to Christians in life, chastity, goods, or good name, have been very notoriously charged upon them by valuable testimony.

“VI. That great prejudice is like to arise to the natives of this commonwealth in matter of trade, which, besides other

¹ The Anabaptists seem at last to have become aware that rebellion must always entail a countless host of miseries and disappointments, for a corrupt tree cannot bring forth good fruit.

dangers here mentioned, we find very commonly suggested by the inhabitants of the city of London.

870.

“ VII. We humbly present,

“ 1. That they be not admitted to have any public judicatories, whether civil or ecclesiastical; which were to grant them terms beyond the condition of strangers.

“ 2. That they be not permitted to speak, or do any thing to the defamation or dishonour of the name of our Lord Jesus Christ, or of the Christian religion.

“ 3. That they be not permitted to do any work, or any thing to the open profanation of the Lord's-day, or Christian sabbath.

“ 4. That they be not admitted to have any Christians to dwell with them as their servants.

“ 5. That they have no public office, or trust, in this commonwealth.

“ 6. That they be not allowed to print any thing which in the least opposes the Christian religion in our language.

“ 7. That so far as may be, they be not suffered to discourage any of their own from using, or applying themselves, to any which may tend to convince them of their error, and turn them to Christianity: and that some severe penalty be imposed upon them, who shall apostatize from Christianity to

Paper-office. Judaism¹.”

A. D. 1659.
The usurpation shifts through several forms.

Dugdale's
View of the
Troubles of
England.
Whitlock's
Memorials,
Hist. of
Independ.
part 4.
Feb. 20,
1659-60.
April 25,
1660.

After Oliver Cromwell's death, the usurpation appeared more floating, frequently shifted posture, and rolled through several forms till the Restoration. For instance: Richard, Oliver's eldest son, having sat at the helm about half a year, was laid aside, and the Rump parliament revived. These men drew up an oath for abjuring the king: the entering into this bond of iniquity was likewise pressed in the pulpit by their clergy. But these Rumpers were quickly thrown out of the seat by Lambert and Fleetwood, and some other officers of rank. These generals put down the Rump's council of state, and settled a “commission of safety:” but the administration rested but a little while in their hands. Upon petitions from several parts of the kingdom for a free parliament, the Rump recovered.

¹ To the exertions of Menasses Ben Israel may be traced many of the privileges the Jews now enjoy in Britain—privileges which may yet be extended with advantage.

Monk marched from Scotland, came to London, and admitted the secluded members. The next turn was the dissolution of the Long Parliament: a council of state was formed, and a new set of lords and commons met at Westminster.

These lords and gentlemen recollected themselves to purpose, returned to their duty, and invited the king to the government. He was now at the Hague, and honourably received by the States of Holland. Here his majesty published a declaration: I shall transcribe one paragraph of this instrument, relating to the Church: the words are these:—

CHARLES
II.

Lord Clarendon's
Hist. of the
Rebellion,
vol. 3.

“And because the passions and uncharitableness of the times have produced several opinions in religion, by which men are engaged in parties and animosities against each other; which, when they shall hereafter unite in a freedom of conversation, will be composed, or better understood; we do declare a liberty to tender consciences, and that no man shall be disquieted, or called in question, for differences of opinion in matters of religion, which do not disturb the peace of the kingdom; and that we shall be ready to consent to such an act of parliament, as, upon mature deliberation, shall be offered to us, for the full granting that indulgence.”

*The king's
declaration
at Breda
touching
liberty of
conscience.*

The Restoration being concerted, the lords and commons sent a committee to wait upon the king at the Hague. The peers sent six, and the lower house twelve, of their body: the city likewise dispatched fourteen persons of their corporation for the same purpose. About eight or ten of the Presbyterian divines went in company with these commissioners. Reynolds, Calamy, Case, Manton, and some other eminent persons of that party, were pitched on for this affair. They chose to appear by themselves, and make a distinct representation: the business of chaplains, they knew, was commonly misconstrued, and taken at disadvantage: for this reason they were unwilling to be mistaken for persons of that character. This conduct shows them men of sense and spirit, and that they understood the world. Having agreed upon this manner of address, they requested an hour, and at their public audience made large professions of duty, and magnified the affections of themselves and their friends. “They had always,” they said, “pursuant to the obligation of the covenant, wished his majesty very well; and upon the late opportunity which God

*The Presbyterian
divines wait
upon the
king at the
Hague, and
have public
audience.*

*Their address, with
the king's
answer.*

had put into their hands, had reminded the people of their duty, and awakened them to loyalty: and they presumed his majesty might have heard these applications of theirs were not without considerable success. They thank God for his constancy to the Protestant religion, and declared themselves no enemies to moderate episcopacy: they only desired that such things might not be pressed upon them in God's worship, which even, in the judgment of those who used them, were owned to be matters indifferent, and that others stood off from them as altogether unlawful."

Lord Clarendon's
History of
the Re-
bellion,
vol. 3.

The king, receiving them kindly, said, "he had heard of their good behaviour; that he had no intention to impose hard conditions, and embarrass their consciences: that he had referred the settling all differences of the nature they mentioned, to the wisdom of the parliament: and that the two houses were the best judges what indulgence and toleration was necessary for the repose of the kingdom."

These divines being willing to discourse with the king farther upon this subject, desired several private audiences, which were granted. And now they took the freedom to suggest, that the Common Prayer had long been discontinued in England: that many of the people had never once heard it; and therefore it would be much wondered at if his majesty, at his first landing, should revive the use of it in his own chapel: and, therefore, to prevent the people's being shocked at such uncustomary worship, they entreated him not to use it in form, and by rubrical directions; but only to order the reading some part of it with the intermixture of other good prayers.

The king replied, with somewhat of resentment, "that since he gave them their liberty, he should by no means resign his own; that he had always used that form of service: that he thought it the best in the world; and that he had never discontinued it in places, where it was more disliked, than he hoped it was by them: that when he came into England, he would not make any strict inquiry how they officiated in other Churches; though he did not question he should find the Liturgy regularly received in many places: but, let that be as it would, he was resolved not to suffer any other public devotion in his own chapel."

871.

These addressers despairing to carry this point, importuned his majesty, "That the use of the surplice might be discontinued by his chaplains, because the sight of this habit would

give great offence to the people." But this request made no impression. The king told them plainly, "he would not be restrained himself, when others had so much indulgence: that the surplice had been always reckoned a decent habit, and constantly worn in the Church of England, till these late ill times; and that he had all along retained the use of it in foreign parts; that though he thought himself obliged for the present to connive at disorder, and tolerate a failure of solemnity and decorum in religious worship, yet he would never abet any such irregularity by his own practice, nor discountenance the ancient and laudable customs of the Church in which he was bred."

This firmness in his majesty was no small disappointment to these divines: they expected to have found him more compliant with their schemes. However, they declined giving him any more trouble upon this head, hoping to meet with a more favourable opportunity in England.

The king having been eight or ten days splendidly entertained by the States, went on board the English fleet, arrived at Dover, and was received by the kingdom with all imaginable marks of duty and inclination ¹.

May 26.
*The king
restored.*

At this happy return, the Church recovered with the crown; though this ground was not gained without some contest with the Dissenting party. Neither is this struggle much surprising, if we consider, that for fourteen or fifteen years last past, the hierarchy had been broken, the Liturgy laid aside, and a new form, both as to worship and government, publicly prevailed. The Presbyterians had several circumstances of advantage to support their hopes. Possession of the chair, the inclination of no small numbers of the people, the countenance of great men, and the king's declaration at Breda, gave this party no uncomfortable prospect. To keep them somewhat sanguine in their expectations, Dr. Reynolds, Dr. Spurstow, Dr. Wallis, Dr. Bates, Dr. Manton, Mr. Calamy, Mr. Ask, Mr. Baxter, Mr. Case, and two or three more, were made the king's chaplains in ordinary; though none of them ever preached before his majesty, excepting Calamy, Reynolds, Baxter, Spurstow, and Woodbridge; and none of these but

¹ The English preference for monarchy was more than ever confirmed by the horrible disasters of the rebellion, for all the experiments of the democratic party had signally disappointed them, even by their own confession.

*Some of the
Presbyterian
ministers
wait upon
the king and
discourse
with him
upon the sub-
ject of
Church-
government
and cere-
monies.*

once. However, this appearing in the chapel made their access to his majesty the more easy. To pursue their interest therefore, they waited on his majesty soon after the Restoration, being introduced by the earl of Manchester. In their address, "They recommended the uniting the kingdom in matters of religion: that if his majesty would please to contribute his assistance, nothing could be more promising than the present juncture: they intreated that the terms of union might include nothing but necessary things: that the true exercise of Church discipline might be allowed: that those ministers who were most serviceable for this branch of the function might not be laid aside, nor unworthy unqualified men put upon the people."

The king declared himself much pleased with their reconciling temper, and resolved to do his part for promoting what was suggested: but told them withal, "That this agreement could not be expected without something of cession and abatement on both sides: that if the issue did not answer, it should not be his fault, but their own: that he was resolved to leave no proper methods unattempted, for procuring a harmony, and drawing the distant persuasions to a good understanding. To this end he desired them to lay some proposals before him touching Church government. That this main difference being once settled, other matters would be easily accommodated." And here his majesty ordered them to set down the full length of their concessions. "They told the king they were but a small number, and had no commission from their brethren to declare themselves upon this head. They desired therefore they might have leave to acquaint their brethren in the country with his majesty's commands, and receive their sentiments upon this argument." The king replied, "that method would be dilatory, and make too much noise: that therefore he had rather the proposals should come from themselves; and that for fuller information, they might communicate this affair with their friends in the city." To this their answer was: "They were in no condition either to speak for, or oblige other people: and therefore what they offered his majesty could only be taken for their own sense." The king let them know, "they should be construed no otherwise, and that he did not design to convene a synod or assembly of the other party, but only make use of a few for adjusting this

matter." Upon this, these divines begged the king, "that when CHARLES II. they laid their concessions before him, his majesty would order their brethren of the Church of England might deliver in a paper of the utmost they could yield: that when the relax- Calamy's Life of Baxter. ations of both sides were compared, the success might the better be conjectured." The king, thinking this reasonable, promised their request.

About three weeks after, the proposals were agreed: the paper was mostly drawn by Calamy and Reynolds. It begins with four preliminary requests: "That serious godliness might be countenanced; a learned and pious minister in each parish encouraged; that a personal public owning the baptismal covenant might precede an admission to the Lord's table; and that the Lord's day might be strictly sanctified." After this general introduction, they proceed to particulars. And here they offer, as they pretend, "to allow the true primitive presidency in the Church, with a due mixture of presbyters. That this scheme was necessary to avoid the corruptions, partiality, and tyranny incident to the administration of a single person." The things which they chiefly blamed in the English hierarchy, were; "The great extent of the bishops' diocese; their deputing commissaries, chancellors, and officials to act in their stead; their assuming the sole power of ordination and jurisdiction; and acting so arbitrarily in visitation articles." Besides this, they objected, their bringing in new ceremonies, and suspending ministers at pleasure: for reforming these evils, as they called them, they proposed that bishop Usher's notion of episcopal government might be received as the ground-work of an accommodation. This primate's scheme is couched under the four following propositions.

I. Usher would have it, "That in every parish the rector, or the incumbent pastor, together with the churchwarden and sidemen, may every week take notice of such as live scandalously in the congregation; who are to receive such several admonitions and reproofs, as the quality of their offence shall deserve; and if by this means they cannot be reclaimed, they may be presented unto the next monthly synod, and in the mean time, be debarred by the pastor from access unto the Lord's table. *Primate Usher's plan for episcopal government.* 872.

"II. Whereas, by a statute in the 26th of Henry VIII.

(revived in the 1st of queen Eliz.), suffragans are appointed to be erected in twenty-six several places of this kingdom, the number of them might be very well conformed unto the several rural deaneries, into which every diocese is subdivided; which being done, the suffragan (supplying the place of those who, in the ancient Church, were called 'chorepiscopi,') might every month assemble a synod of all the rectors or incumbent pastors within the precinct, and, according to the major part of their voices, conclude all matters that should be brought into debate before them. To this synod the rector and churchwardens might present such impenitent persons as, by admonition and suspension from the sacrament, would not be reformed; who, if they would still remain contumacious and incorrigible, the sentence of excommunication might be decreed against them by the synod, and accordingly be executed in the parish where they lived. Hitherto, also, all things that concerned the parochial ministers might be referred, whether they did touch their doctrine or their conversation; as also the censure of all new opinions, heresies, and schisms, which did arise within that circuit, with liberty of appeal, if need so require, unto the diocesan synod.

"III. The diocesan synod might be held once or twice in the year, as it should be thought most convenient; therein all the suffragans, and the rest of the rectors or incumbent pastors, 'or a certain select number out of every deanery within that diocese,' might meet; with the consent of the major part of whom, all things might be concluded by the bishop or superintendent (call him which you will), or, in his absence, by one of the suffragans, whom he should depute in his stead, to be moderator of that assembly. Here all matters of great moment might be taken into consideration, and the orders of the monthly synods revised, and, if need be, reformed. And if here also any matter of difficulty could not receive a full determination, it might be referred to the next provincial or national synod.

"IV. The provincial synod might consist of all the bishops and suffragans, and such of the clergy as should be elected out of every diocese within the province. The primate of either province might be the moderator of this meeting (or, in his room, some one of the bishops appointed by him), and all matters be ordered therein by common consent, as in the former

assemblies. This synod might be held every third year, and if the parliament do then sit, both the primates and provincial synods of the land might join together, and make up a national council, wherein all appeals from inferior synods might be received, all their acts examined, and all ecclesiastical constitutions which concern the state of the Church of the whole nation established."

CHARLES II.
Id. Smith's
Vit. Jacob.
Usser.

The Presbyterian divines refined upon this plan, and went farther in their demands. They moved, "that the suffragans should be chosen by their respective synods; that districts may be reduced to a moderate extent; that ministers should be under no oaths, or promises of obedience to the bishops, as being responsible for all breaches upon the law; that the bishops may not govern at discretion, but be restrained to the direction of canons, or constitutions; and that these should be either made or confirmed by act of parliament."

These ministers refine upon archbishop Usher.

"As to the liturgy, they owned the lawfulness of a prescribed form of public worship; but desired withal, that some learned, pious, and moderate divines of both parties might be employed either to draw up a new Liturgy, or reform the old one. And here they propose the adding some variety of composition couched in Scripture phrase, to be used or omitted, as the minister should think fit. As to the ceremonies, it was their humble opinion, divine service was perfect without them; that in matters of worship God has declared himself a jealous God; that most of the Reformed Churches abroad rejected the English ceremonies; that at home they had been matter of dispute and contention ever since the Reformation; that many pious and useful ministers had been silenced upon this score, and separations from the Church occasioned from hence; that these externals were no immutable circumstances, and therefore they intreated that kneeling at the sacrament might not be imposed; that the wearing the surplice, the cross in baptism, and bowing at the name of Jesus, rather than of Christ or Emanuel, might be laid aside; and that care might be taken to prevent innovations contrary to law."

See two papers of proposals, &c. humbly presented to his majesty by the Presbyterian ministers.

Farther: they desired the king, "that none of their ministers might be ejected from sequestered livings where the episcopal incumbents were dead; that his majesty would please to give a public signification of his pleasure, that no oaths, subscriptions, or renunciation of orders might be required till the

present debate was gone through, and the controversy brought to an issue."

The king treated them with regard, told them he was much pleased with their declaring for a liturgy, and yielding to the essentials of episcopacy; and promised them, that where the old incumbents were dead, the benefices should be confirmed to those in possession.

Calamy's
Life of
Baxter,
p. 147.

Not long after, the bishops returned an answer to the Presbyterians' paper of proposals.

*The bishops'
answer to
the Presby-
terians'
proposals.*

"As to their preliminary requests, they conceive the laws of the realm have made a sufficient provision, and that no farther security can be given. As for liberty of conscience, they are willing to comply, provided a passage may not be opened for private conventicles; for should such an indulgence be granted, the consequences might prove very unserviceable to the State. That they approve the fixing a godly minister in each parish, but do not understand what is meant by 'residing on his cure,' nor how far those words may be stretched: nor what farther provision can be made upon that head. As for confirmation, and the barring scandalous persons from the communion, they thought the Church had taken sufficient care of that matter. And touching the observation of the Lord's-day, they reply, the laws of the kingdom were stricter than those of any foreign reformed communion whatsoever. As to Church government, they insist upon continuing the former hierarchy without any alteration; and that the Presbyterians' objections against a single person's administration in the Church were equally applicable to the State. The extent of the dioceses they conceive well enough fitted to the bishops' inspection and management; and that the share of ecclesiastical jurisdiction put into the hands of chancellors, &c., was regular in the main. Archbishop Usher's plan for retrenching the bishops' authority, they declare inconsistent with two other discourses of that prelate; and that his four propositions, at the best, were but some private thoughts thrown together. They pronounce the offices in the Common Prayer altogether unexceptionable, and conceive the book cannot be too strictly enjoined; especially when ministers are not denied the exercise of their gifts in praying before and after sermon; which liberty, for extemporary or private compositions, stands only upon a late custom, without any foundation from law or canons; and that the common use of this practice comes only from connivance.

However, they are contented to yield the liturgy may be reviewed, in case his majesty thinks fit. As for the ceremonies, they are unwilling to part with any of them: being clearly of opinion, that the satisfaction of some private persons ought not to overrule the public peace and uniformity of the Church; and that if any abatements were made, it would only feed a distemper, and encourage unquiet people to farther demands."

CHARLES
II.

Calamy's
Life of
Baxter.

And here it may not be improper to observe, that nine of the bishops survived the rebellion, and recovered their sees at the Restoration; viz., William Juxon, bishop of London, translated this year to Canterbury; William Pierce, bishop of Bath and Wells; Robert Skinner, bishop of Oxford, translated afterwards to Worcester; John Warner, bishop of Rochester; William Roberts, bishop of Bangor; Matthew Wren, bishop of Ely; Bryan Duppa, bishop of Salisbury, from whence, after the Restoration, he was removed to Winchester; Henry King, bishop of Chichester; Accepted Frewen, bishop of Coventry and Lichfield, and this year promoted to the archbishopric of York. Besides these, there were six bishops consecrated on the first Sunday in Advent, viz., John, lord bishop of Durham; William, lord bishop of St. David's; Benjamin, lord bishop of Peterborough; Hugh, lord bishop of Llandaff; Richard, lord bishop of Carlisle; Bryan, lord bishop of Chester; and John, lord bishop of Exeter: when Juxon was translated to Canterbury, Gilbert Sheldon was made bishop of London. The other bishoprics were quickly filled with well qualified persons.

*The bishops
who live to
the Restora-
tion.*

Cosens.

Laney.

Stern.

*Walton.
Gauden.*

See Arch-
bishop San-
croft's Life
and Ser-
mons.

To return: soon after the bishops had sent the answer above mentioned, the Presbyterian ministers were told the king would put all he thought proper to grant them into a declaration: that they should see this instrument before it was published, and have the liberty to report what they happened to dislike. A copy of this declaration was accordingly sent them by the lord chancellor Hyde. Some little time before it was issued out, this lord gave notice of it in a speech to the parliament. Here he acquaints the houses, "he was commanded to mention two things recommended to them by his majesty in his declaration from Breda, the one for composing those unhappy differences and distempers in religion, which had too much disturbed the peace of the kingdom.

*Lord-chan-
cellor Hyde's
speech upon
the subject of
religion.*

JUXON,
Abp. Cant.

This," saith he, "is a sad argument indeed, it is a consideration that must make every religious heart bleed to see religion, which should be the strongest obligation and cement of affection and brotherly kindness and compassion, made now by the perverse wranglings of passionate and froward men, the ground of all animosity, hatred, malice, and revenge; and this unruly and unmanly passion, I fear, too frequently transports those who are in the right, as well as those who are in the wrong, and leaves the latter more excusable than the former. When men who find their manners and dispositions very conformable in all the necessary obligations of human nature, avoid one another's conversation, and grow first unsociable, and then uncharitable to each other, because one cannot think as the other doth.

"My lords and gentlemen, this disquisition hath cost the king many a sigh, many a sad hour, when he hath considered the almost irreparable reproach the Protestant religion hath undergone from the divisions and distractions which have been so notorious in this kingdom. What pains he hath taken to compose them, after several discourses with pious and learned men of different persuasions, you will shortly perceive by a declaration, which he will publish upon that occasion; by which you will see his great indulgence to those who can have any pretension from conscience to differ from their brethren."

The Presbyterian divines having perused the declaration, drew a petition to the king, and subjoined some remarks on the declaration. They delivered what they had done to the lord chancellor, who thought it most advisable to drop this address, and never called on them to present it to the king. However, he desired they would give in the particulars of what they thought proper should be altered; upon which they delivered him minutes upon these heads. And now a day was fixed for his majesty's perusing the declaration, as the lord chancellor had drawn it. Accordingly, the king came to the lord chancellor's with the dukes of Albemarle and Ormond, the earls of Manchester and Anglesey, the lord Hollis, and some others of the court; with these appeared Sheldon, bishop of London, Morley, bishop of Worcester, Hinchman, bishop of Salisbury, Cosens, bishop of Durham, Gauden, bishop of Exeter, Dr. Hacket, Dr. Berwick, Dr. Gunning, &c. On

the other side, the Dissenters were represented by Reynolds, ^{CHARLES II.} Calamy, Ash, Wallis, Manton, Spurstow, Baxter, and some others. The business of this day was not to argue, but as the lord chancellor read the declaration, each party was to speak their exceptions, and, after all, the king was to overrule the debate, and settle the form. There were several objections raised touching prelacy, re-ordination, and other particulars. When the whole was read, the lord chancellor pulled out another paper, and acquainted them that the king had been petitioned by the Independents and Anabaptists, for indulging their respective persuasions. Upon this he read a supplemental clause in the declaration, to this effect: "that others also might be permitted to meet for religious worship, provided they give no disturbance to the public peace; and that they may not be molested by any justice of peace or other officer." This clause was suspected upon the score of the latitude in which it was expressed, and that there might be a design to bring the Papists within the compass of the toleration; for this reason, probably, it was neither approved by the episcopal or Presbyterian party. However, the point being nice, and the construction somewhat uncertain, there was nothing objected; only Baxter took the freedom to declare against the tolerating Papists and Socinians: to which his majesty replied, "the laws had sufficiently provided against danger from the Papists." And thus the matter was dropped. Before the meeting broke up, the king settled the sense of the declaration: and if there happened any dispute touching the manner of expression, this point was to be referred to bishop Morley and bishop Hinchman, Reynolds, and Calamy. And in case they happened to disagree, the earl of Anglesey and the lord Hollis were to determine the difference.

874.

Calamy's
Life of
Baxter.

On the 25th of October, his majesty set forth his "Declaration to all his loving subjects of his kingdom of England and dominion of Wales concerning ecclesiastical affairs." I shall give the reader part of this instrument:—

"In our letter," saith the king to the speaker of the house of commons, "from Breda, we declared how much we desired the advancement and propagation of the Protestant religion; that neither the unkindness of those of the same faith towards us, nor the civilities and obligations from those of a contrary

*The king's
declaration
touching
ecclesiastical
affairs.*
A.D. 1660.

JUXON,
Abp. Cant.

profession, (of both which we have had abundant evidence,) could in the least degree startle us, or make us swerve from it, and that nothing can be proposed to manifest our zeal and affection for it, to which we will not readily consent. And we said then, that we did hope in due time ourself to propose somewhat for the propagation of it that will satisfy the world that we have always made it both our care and our study, and have observed enough what is most like to bring disadvantage to it. And the truth is, we do think ourself more competent to propose, and with God's assistance to determine, many things now in difference, from the time we have spent, and the experience we have had in most of the reformed Churches abroad, in France, in the Low Countries, and in Germany, where we have had frequent conferences with the most learned men, who have unanimously lamented the great reproach the Protestant religion undergoes from the distempers and too notorious schisms in matters of religion in England. And as the most learned amongst them have always, with great submission and reverence, acknowledged and magnified the established government of the Church of England, and the great countenance and shelter the Protestant religion received from it before these unhappy times; so many of them have with great ingenuity and sorrow confessed that they were too easily misled by misinformation and prejudice, into some disesteem of it, as if it had too much complied with the Church of Rome; whereas they now acknowledge it to be the best fence God hath yet raised against popery in the world: and we are persuaded they do with great zeal wish it restored to its old dignity and veneration.

“When we were in Holland, we were attended by many grave and learned ministers from hence, who were looked upon as the most able and principal assertors of the Presbyterian opinions; with whom we had as much conference as the multitude of affairs which were then upon us would permit us to have, and, to our great satisfaction and comfort, found them persons full of affection to us, of zeal for the peace of the Church and State, and neither enemies (as they have been given out to be) to episcopacy or liturgy, but modestly to desire such alterations in either, as without shaking foundations, might best allay the present distempers, which the indisposition of the time and the tenderness of some men's

consciences had contracted. For the better doing whereof, CHARLES
II. we did intend, upon our first arrival in this kingdom, to call a synod of divines, as the most proper expedient to provide a proper remedy for all those differences and dissatisfactions which had or should arise in matters of religion. And in the mean time we published, in our declaration from Breda, a liberty to tender consciences, and that no man should be disquieted, or called in question, for differences of opinion in matters of religion, which do not disturb the peace of the kingdom, and that we shall be ready to consent to such an act of parliament as, upon mature deliberation, shall be offered to us for the full granting that indulgence.

“ We need not profess the high esteem and affection we have for the Church of England, as it is established by law; the reverence to which hath supported us, by God’s blessing, against many temptations: nor do we think that reverence in the least degree diminished by our condescensions, not peremptorily insisting on some particulars of ceremony, which, however introduced by the piety and devotion, and order of former times, may not be so agreeable to the present, but may even lessen that piety and devotion for the improvement whereof they might happily be first introduced, and consequently may well be dispensed with. And we hope this charitable compliance of ours will dispose the minds of all men to a cheerful submission to that authority, the preservation whereof is so necessary for the unity and peace of the Church, and that they will acknowledge the support of the episcopal authority to be the best support of religion, by being the best means to contain the minds of men within the rules of government. And they who would destroy the exercise of that holy function within the rules which were observed in the primitive times, must remember and consider, that the ecclesiastical power was in those blessed times always subordinate and subject to the civil¹: it was likewise proportioned to such an extent as was most agreeable to that. And as the sanctity and simplicity, and resignation of that age, did then refer many things to the bishops, which the policy of succeeding ages would not admit, at least did otherwise provide for; so it can be no reproach to primitive episcopacy, if where there have been great

This is a mistake. See the first part of this History, and above in this second.

¹ By civil, the king means royal; in which sense he is right, for the Crown is superior both to Church and State.

JUXON,
Abp. Cant.

alterations in the civil government from what was then, there have been likewise some difference and alteration in the ecclesiastical, the essence and foundation being still preserved."

The king's concessions shall next be inserted.

875.

"1. We do, in the first place," continues his majesty, "declare our purpose and resolution is, and shall be, to promote the power of godliness, to encourage the exercise of religion, both public and private; and to take care that the Lord's day be applied to holy exercises, without unnecessary diversements; and that insufficient, negligent, and scandalous ministers be not permitted in the Church. And that as the present bishops are known to be men of great and exemplary piety in their lives, which they have manifested in their notorious and unexampled sufferings during these late distempers, and of great and known sufficiency of learning; so we shall take especial care to prefer no man to that office and charge, but men of learning, virtue, and piety, who may be themselves the best examples to those who are to be governed by them. And we shall expect and provide the best we can, that the bishops be frequent preachers, and that they do very often preach themselves in some churches of their diocese, except they be hindered by sickness, or some or other bodily infirmity, or some other justifiable occasion, which shall not be thought justifiable if it be frequent.

"2. Because the dioceses, especially some of them, are thought to be of too large extent, we will appoint such a number of suffragan bishops in every diocese, as shall be sufficient for the due performance of their work.

"3. No bishop shall ordain or exercise any part of jurisdiction which appertains to the censures of the Church, without the advice and assistance of the presbyters: and no chancellor, commissaries, or officials, as such, shall execute any act of spiritual jurisdiction in these cases; viz. excommunication, absolution, or matters wherein any of the ministry are concerned, with reference to their pastoral charge. However, our intent an meaning is, to uphold and maintain the profession of the civil laws, so far and in such matters as it hath been of use and practice within our kingdoms and dominions: albeit, as to excommunication, our will and pleasure is, that no chancellor, commissary, or official, shall decree any sentence of excom-

munication or absolution, or be judges in those things wherein any of the ministry are concerned, as is aforesaid: nor shall the archdeacon exercise any jurisdiction without the advice and assistance of six ministers of his archdeaconry, whereof three are to be nominated by the bishop, and three by the election of the major part of the presbyters within the archdeaconry. CHARLES
II.

“4. To the end that the deans and chapters may be the better fitted to afford council and assistance to the bishops both in ordination, and the other offices mentioned before, we will take care that those preferments be given to the most learned, pious, and discreet presbyters of the same diocese. And moreover, that an equal number to those of the chapter, of the most learned, pious, and discreet presbyters of the same diocese, annually chosen by the major vote of all the presbyters of that diocese, present at such elections, shall be always advising and assisting, together with those of the chapter, in all ordinations, and in every part of the jurisdiction which appertains to the censures of the Church, and at all other solemn and important actions in the exercise of the ecclesiastical jurisdiction, wherein any of the ministry are concerned; provided that in all such meetings, the number of the ministers so elected, and those present of the chapter, shall be equal, and not exceed one another; and that to make the numbers equal, the juniors of the exceeding number be withdrawn, that the most ancient may take place. Nor shall any suffragan bishop ordain, or exercise the fore-mentioned offices and acts of spiritual jurisdiction, but with the advice and assistance of a sufficient number of the most judicious and pious presbyters annually chosen as aforesaid, within his precincts. And our will is, that the great work of ordination be constantly and solemnly performed by the bishop and his aforesaid presbytery, at the four set times and seasons appointed by the Church for that purpose.

“5. We will take care that confirmation be solemnly and rightly performed, by the information and with the consent of the minister of the place, who shall admit none to the Lord's supper, till they have made a credible profession of their faith, and promised obedience to the will of God, according as is expressed in the considerations of the rubric before the catechism: and that all possible diligence be used for the instruction and reformation of scandalous offenders, whom the

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minister shall not suffer to partake of the Lord's table, until they have openly declared themselves to have truly repented and amended their former naughty lives, as is partly expressed in the rubric, and more fully in the canons; provided there be place for due appeal to superior power. But besides the suffragans and their presbytery, every rural dean (those deans as heretofore to be nominated by the bishop of the diocese) together with three or four ministers of the deanery chosen by the major part of all the ministers within the same, shall meet once in every month, to receive such complaints as shall be presented to them by the ministers or churchwardens of the respective parishes; and also to compose all such differences betwixt party and party, as shall be offered to them by way of arbitration, and to convince offenders, and reform all such things as they shall find amiss by their pastoral reproofs and admonitions, if they may be so reformed: and such matters as they cannot by this pastoral and persuasive way compose and reform, are by them to be prepared for, and presented to the bishop; at which meeting any other ministers of the deanery may, if they please, be present. Moreover, the rural dean and his assistants are in their respective divisions to see that children and younger sort be carefully instructed, by the respective ministers of every parish, in the grounds of the Christian religion, and be able to give a good account of their faith and knowledge, and also of their Christian conversation conformable thereunto, before they be confirmed by the bishop, or admitted to the sacrament of the Lord's supper.

"6. No bishop shall exercise any arbitrary power, or do, or impose any thing upon the clergy or the people, but what is according to the known law of the land.

"7. We are very glad to find, that all with whom we have conferred, do in their judgments approve a liturgy, or set form of public worship, to be lawful; which in our judgment, for the preservation of unity and uniformity, we conceive to be very necessary, and though we do conceive the liturgy of the Church of England contained in the book of Common Prayer, and by law established, to be the best we have seen; and we believe, that we have seen all that are extant, and used in this part of the world, and well know what reverence most of the reformed Churches, or at least the most learned men in those

Churches, have for it ; yet since we find some exceptions made against several things therein, we will appoint an equal number of learned divines of both persuasions to review the same, and to make such alterations as shall be thought most necessary, and some additional forms (in the Scripture phrase as near as may be) suited unto the several parts of worship, and that it be left to the minister's choice to use one or other at his discretion. In the mean time, and until this be done, although we heartily wish and desire, that the ministers in their several Churches, because they dislike some clauses and expressions, would not totally lay aside the use of the book of Common Prayer, but read those parts against which there can be no exception, which would be the best instance of declining those marks of distinction which we so much labour and desire to remove : yet in compassion to divers of our good subjects who scruple the use of it as now it is, our will and pleasure is, that none be punished or troubled for not using it, until it be reviewed, and effectually reformed as aforesaid.

CHARLES
II.
876.

“ In the mean time, out of compliance and compassion towards those who would forbear the cross in baptism, we are content that no man shall be compelled to use the same, or suffer for doing it. But if any parent desire to have his child christened according to the form used, and the minister will not use the sign, it shall be lawful for the parent to procure another minister to do it : and if the proper minister shall refuse to omit the ceremony of the cross, it shall be lawful for the parent, who would not have his child so baptized, to procure another minister to do it, who will do it according to his desire.

“ No man shall be compelled to bow at the name of Jesus, or suffer in any degree for not doing it, without reproaching those who, out of their devotion, continue that ancient ceremony of the Church.

“ For the use of the surplice, we are contented that all men be left to their liberty to do as they shall think fit, without suffering the least degree for wearing, or not wearing it ; provided that this liberty do not extend to our own chapel, cathedral, or collegiate churches, or to any college in either of our universities : but that the several statutes and customs, for the use thereof, in the said places, be there observed as formerly.

“ And because some men, otherwise pious and learned, say

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they cannot conform unto the subscription required by the canon, nor take the oath of canonical obedience, we are content, and it is our will and pleasure (so they take the oaths of allegiance and supremacy), that they shall receive ordination, institution, and induction, and shall be permitted to exercise their function, and to enjoy the profits of their livings, without the said subscription, or oath of canonical obedience: and moreover, that no persons in the universities shall, for the want of such subscription, be hindered in the taking their degrees.

“ Lastly, That none be judged to forfeit his presentation, or benefice, or be deprived of it by the statute of the thirteenth of queen Elizabeth, chapter the twelfth, so he read and declare his assent to all the articles of religion, which only concern the confession of the true Christian faith, and the doctrine of the sacraments, comprised in the book of articles in the said statutes mentioned. In a word, we do again renew what we have formerly said in our declaration from Breda, for the liberty of tender consciences, that no man shall be disquieted, or called in question for differences of opinion in matters of religion, which do not disturb the peace of the kingdom: and if any have been disturbed in that kind since our arrival here, it hath not proceeded from any direction of ours¹. ”

It must be said, those who penned this instrument carried the prerogative to an extraordinary extent: the declaration seems not only to reach into the business of synods, overrules the canons, and disables the discipline of the Church; but, over and above, dispenses with statutes to the construction of a repeal, and lies hard upon the civil constitution. For this reason it was overlooked at the assizes and sessions in several places in the country, where the dissenting ministers were indicted for not conforming pursuant to the laws in force. However, upon application to the king and the lord-chancellor, they were commonly discharged. And thus, generally speaking, the declaration suspended the execution of the law, and sheltered the dissenting ministers for more than a year.

During part of this interval, several of the Presbyterian ministers were invited to Church preferments: Calamy had the bishopric of Coventry and Lichfield offered him, Reynolds that of Norwich, and Baxter that of Hereford; Manton was

Calamy's
Life of
Baxter.

¹ Charles the Second seems to have had more enlightened views of ecclesiastical policy than any of his royal predecessors.

offered the deanery of Rochester, Bates the deanery of Coventry and Lichfield, and Bowlas the deanery of York: but all of them, excepting Reynolds, refused these promotions. It seems they were afraid the concessions in the declaration might be recalled by the king, or over-ruled by an act of parliament.

CHARLES II.

Calamy's
Life of
Baxter.

*The insur-
rection of
the Fifth-
monarchy
men.*

About this time the Fifth-monarchy men, heated with enthusiasm, projected the conquest of the universe; and having lately discovered some signs of frenzy, and alarmed the government, colonel Overton, major Allen, cornet Day, and some other leading men of that sect, were seized and imprisoned. However, the rest of them being rather animated than disheartened by this correction, broke out into open rebellion, under the command of their preacher, Thomas Venner, a wine-cooper. Thus, on Sunday, in the evening, Jan. 6, they sallied out of their meeting-house in Coleman-street: and though their number was not above sixty at first, nor increased much afterwards, they fought the train-bands and the guards with incredible obstinacy and fury: at last they were broken, and Venner, with about sixteen of his men, taken prisoners. These rebels were tried at the Old Bailey, and found guilty: they continued impenitent to the last, and railed upon the king and the judges at their execution.

The king having promised, in his late declaration, that the liturgy should be reviewed, in order to have it farther accommodated to a general satisfaction, a commission was granted to several persons of each persuasion for this purpose. The instrument runs thus:—

“ Charles II., by the grace of God, king of England, Scotland, France, and Ireland, defender of the faith, &c. To our trusty and well-beloved the most reverend father in God Accepted, archbishop of York, the right reverend fathers in God, Gilbert, bishop of London, John, bishop of Durham, John, bishop of Rochester, Humphrey, bishop of Sarum, George, bishop of Worcester, Robert, bishop of Lincoln, Benjamin, bishop of Peterborough, Brian, bishop of Chester, Richard, bishop of Carlisle, John, bishop of Exeter, Edward, bishop of Norwich; and to our trusty and well-beloved the reverend Anthony Tuckney, D.D., John Conant, D.D., William Spurstow, D.D., John Wallis, D.D., Thomas Manton,

*The com-
mission for
the con-
ference of
the Savoy.*

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D.D., Edmund Calamy, D.D., Richard Baxter, clerk, Arthur Jackson, Thomas Case, Samuel Clerk, Mathew Newcomen, clerks; and to our trusty and well-beloved Dr. Earles, dean of Westminster, Peter Heylin, D.D., John Hacket, D.D., John Berwick, D.D., Peter Gunning, D.D., John Pearson, D.D., Thomas Pierce, D.D., Anthony Sparrow, Herbert Thorndike, D.D., Thomas Hortar, D.D., Thomas Jacom, D.D., William Bate, John Rawlinson, clerks, William Cooper, clerk, Dr. John Lightfoot, Dr. John Collings, Dr. Benjamin Woodbridge, and William Drake, clerk, greeting.

“Whereas, by our declaration of the 25th of October last, concerning ecclesiastical affairs, we did (amongst other things) express our esteem of the liturgy of the Church of England, contained in the Book of Common Prayer; and yet, since we find exceptions made against several things therein, we did by our said declaration declare we would appoint an equal number of learned divines of both persuasions to review the same; we therefore, in accomplishment of our said will and intent, and of our continued and constant care and study for the peace and unity of the Churches within our dominions, and for the removal of all exceptions and differences, and the occasion of such differences and exceptions from among our good subjects, for or concerning the said Book of Common Prayer, or anything therein contained, do by these our letters-patent require, authorize, constitute, and appoint you the said, &c., to advise upon and review the said Book of Common Prayer; comparing the same with the most ancient Liturgies which have been used in the Church in the primitive and purest times. And to that end, to assemble and meet together, from time to time, and at such time within the space of four calendar months now next ensuing, in the master's lodgings in the Savoy in the Strand, in the county of Middlesex, or in such other place or places as to you shall be thought fit and convenient: to take into your serious and grave consideration the several directions and rules, forms of prayer, and things in the said Book of Common Prayer contained; and to advise, consult upon and about the same, and several objections and exceptions which shall now be raised against the same, and (if occasion be) to make such reasonable and necessary alterations, corrections, and amendments therein, as by and between you the said archbishops, bishops, doctors, and persons hereby required and

authorized to meet and advise aforesaid, shall be agreed upon to be needful and expedient, for the giving satisfaction to tender consciences, and the restoring and continuance of peace and unity in the Churches under our protection and government; but avoiding (as much as may be) all unnecessary abbreviations of the forms and liturgy, wherewith the people are altogether acquainted, and have so long received in the Church of England. And our will and pleasure is, that when you the said archbishop, bishops, doctors, and persons authorized and appointed by these our letters-patent, to meet, advise, and consult upon and about the premises aforesaid, shall have drawn your consultations to any resolution and determination, which you shall agree upon as needful or expedient to be done for the altering, diminishing, or enlarging the said Book of Common Prayer, or any part thereof; that then forthwith you certify and present to us, in writing, under your several hands, the matters and things whereupon you shall so determine for our approbation; and to the end the same, or so much thereof as shall be approved by us, may be established. And forasmuch as the said archbishop and bishops have several great charges to attend, which we would not dispense with, or that the same should be neglected upon any great occasion whatsoever; and some of them being of great age and infirmities, may not be able constantly to attend the execution of the service and authority hereby given and required by us, in the meeting and consultation aforesaid; we will therefore, and hereby require you the said Dr. Earles, &c., to supply the place and places of such of the archbishops and bishops (other than the said Edward, bishop of Norwich) as shall by age, sickness, infirmity, or other occasions be hindered from attending the said meeting or consultation; that is to say, that one of you the said Dr. Earles, &c., shall from time to time supply the place of each one of them the said archbishop and bishops (other than the said Edward, bishop of Norwich) which shall happen to be hindered or to be absent from the said meetings or consultations; and shall and may advise, consult, and determine, and also certify and execute all and singular the powers and authorities before mentioned. in and about the premises, as fully and absolutely as such archbishop and bishops which shall so happen to be absent. should or might do by virtue of these our letters-patent, or

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any thing herein contained, in case he or they were personally present. And whereas in regard of the distance of some, the infirmity of others, the multitude of constant employment and other incidental impediments, some of you the said Edward bishop of Norwich, &c., may be hindered from the constant attendance in the execution of the service aforesaid; we therefore will, and do hereby require and authorize you the said Thomas Horton, &c., to supply the place or places of such the commissioners last above mentioned, as shall by the means aforesaid, or any other occasion, be hindered from the said meeting and consultations, that one of you the said Thomas Horton, doctor, shall from time to time supply the places of each one of the said commissioners last mentioned which shall happen to be hindered or absent from the said meeting and consultations; and shall and may advise, consult, and determine, and also certify and execute all and singular the powers and authorities before mentioned, in and about the premises, as fully and absolutely as such of the said last mentioned commissioners, which shall so happen to be absent, should or might do by virtue of these our letters-patent, or any thing therein contained, in case he or they were personally present. In witness whereof we have caused these our letters to be made patent. Witness ourself at Westminster, the 25th of March, in the thirteenth year of our reign.

“Per ipsum regem.”

“BARKER.”

A. D. 1661.

878.

*The first
parliament
dissolved.*

The parliament which met on the 25th of April, before the Restoration, was dissolved on the 29th of December. I shall mention only two of the acts passed; the one was for a perpetual anniversary thanksgiving on the 29th of May, the day on which the king made his entry into London: the other was for restoring ejected and sequestered ministers, and confirming some others who had the title of resignations from the incumbent, and had not renounced their orders received before the 25th of December, 1659. The two houses not being convened by the king's writ, were looked on as essentially defective in their authority, and therefore their acts are all confirmed in the next parliament.

12 Charles 2.
cap. 14.
12 Charles 2.
cap. 19.

*The con-
ference at
the Savoy.*

To return to the conference: the bishop of London's lodgings in the Savoy were appointed for the place of meeting; when the parties appeared, the bishop of London acquainted

the Presbyterian ministers, “that themselves, and not the bishops, had requested the conference for making alterations in the liturgy: that therefore nothing was to be done till they had delivered their exceptions in writing, together with the additional forms and alterations which they desired.” These ministers were willing that the debate might be carried on by way of verbal debate. This method they conceived was pursuant to the directions in the commission, and most likely to answer the end of the meeting: “writing,” they said, “would be a tedious expedient, and hinder the coming to a close understanding with each other.” Bishop Sheldon adhering to his former opinion, it was agreed at last they should bring in all their exceptions at one time, and their additions at another. The exceptions were accordingly drawn up by Dr. Reynolds, Dr. Wallis, Dr. Bates, Dr. Jacob, Mr. Calamy, Mr. Newcomen, Mr. Clerk, &c.

CHARLES
II.

In this paper, laid before the bishops, they move “that the prayers and other materials of the liturgy might not be clogged with any thing that was doubtful, or questioned among pious, learned, and orthodox persons.”

*The general
exceptions of
the Presby-
terian di-
vines to the
Common-
Prayer.*

“1. That the imposing things of doubtful disputation, as terms of communion, had in all ages been the ground of schism and separation: and for this they cite the authority of Mr. Hales’.

Hales’s
Tract of
Schism.

“2. That as the English reformers, at first out of their great wisdom, formed the liturgy in such a manner as was most likely to gain upon the Papists, by varying as little as might be from the offices anciently received; so according to the same rule of prudence and charity, they desired the liturgy might be so composed as might best reconcile it to those Protestants who are agreed in the substantial points of religion.

“3. To proceed: they would have the repetitions and responsals of the parish clerk and people, and the alternate reading of the psalms and hymns omitted. They pretend this custom raised a confused noise in the congregation, and made what was read less intelligible. They argue, farther, that the minister ought to be the people’s mouth in all public services: and that by the holy Scriptures the people’s part is only to attend with reverential silence, and declare their consent in the close by saying Amen.

“4. For this reason they would have the divided petitions

¹ Vide Blackburne’s Confessional.

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in the litany thrown into one solemn prayer, to be pronounced by the ministers.

“ 5. That nothing might remain in the liturgy which seems to countenance the observation of Lent as a religious fast: that the example of our Saviour’s fasting forty days and forty nights was above human strength, and never designed for imitation. To corroborate this reasoning, they take notice that by an act of parliament, made the 5th of Elizabeth, abstinence from flesh is prohibited not upon the score of religion, and only recommended for politic considerations.

“ 6. That the religious observation of saints’ days, together with their vigils, may be laid aside: and that if any of them are continued, they may be called festivals, and not holy days, that they may not be made equal with the Lord’s-day, nor have any peculiar service appointed, nor the people obliged wholly to forbear working: and that such names in the calendar which are not inserted in the first and second books of king Edward VI., may be left out.

“ 7. That the gift of prayer being one special qualification for the ministry, they desire the liturgy may not be so strictly imposed as totally to exclude the exercise of that faculty in any part of public worship; and that in consequence of this, it may be left to the discretion of the minister to omit part of the stated service, as occasion shall require. And this liberty (they pretend) was allowed by the first Common Prayer-book of Edward VI.

“ 8. That in regard of the many defects observed in the version of the Scriptures used in the liturgy, they move these misperformances may be struck out, and the new translation allowed by authority substituted instead of the former. That the version in the liturgy is either obsolete in language, or mistaken in sense, they endeavour to prove from the following instances:—In the Epistle for the first Sunday after Epiphany, Rom. xii. 1, it is read, ‘Be ye changed in your shape:’ and in the Epistle for the Sunday next before Easter, Phil. ii. 5, our Saviour is said to be ‘found in his apparel as a man:’ and in the Epistle for the fourth Sunday in Lent, Gal. iv., the old version runs, ‘Mount Sinai is Agar in Arabia, and borders upon the city which is now called Jerusalem:’ in the Epistle for St. Matthew’s-day, 2 Cor. iv., they translate, ‘We go not out of kind:’ in the Gospel for the second Sunday

after Epiphany, John ii., it is translated, 'When men be drunk : ' in the Gospel for the first Sunday in Lent, taken out of Luke xi., it is turned, 'One house does fall upon another : ' and lastly, in the Gospel for the Annunciation, taken out of Luke i., 'This is the first month which is called barren.'

" 9. That the canonical Scriptures, containing all things necessary to salvation, they desire the Apocryphal books may not be read : these writings having no unquestionable authority for recommending matters, either of belief or practice.

" 10. That the minister may not be enjoined to read any part of the liturgy at the communion-table, excepting such portions as properly belong to the Lord's supper ; and at such times only when the holy sacrament is administered.

879.

" 11. That whereas the word minister, and not priest or curate, stands in the rubric for the Absolution, and divers other places ; it is requested this usage may be continued through the whole book ; and that the Lord's-day may be inserted instead of Sunday.

" 12. And in regard singing of psalms is a considerable part of public worship, they desire the version set forth and allowed to be sung in churches may be mended, or that they may have leave to make use of a more correct translation.

" 13. That all obsolete terms and expressions in language worn out, may be altered to words of common use." This is repeating part of their English objection. Their instances are 'Arcad,' used in the Gospel for Monday and Wednesday before Easter ; and 'then opened he their wits,' in the Gospel for Easter Tuesday.

" 14. That no portions of the Old Testament, or of the Acts of the Apostles, be called epistles, and read as such.

" 15. That the phrase in several offices which presumes all persons within the communion of the Church, regenerated, converted, and in an actual state of grace, may be reformed : for considering the want of ecclesiastical discipline, confessed in the Communion, such a supposition is more than the utmost charity can admit.

" 16. That the petitions in the prayers might have a more orderly connexion, and the forms carried on to a more competent length : that this method would be more to edification, and gain farther upon the people's esteem."

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Under this head they are somewhat more particular:—

And first, “they charge the Collects with being generally too short, many of them consisting but of one, or at most but of two sentences of petition. That they are generally prefaced with a repeated mention of the name and attributes of God, and presently concluded with the name and merits of Christ. That by this disposition of the service, many unnecessary breaks are occasioned; and that when many petitions are to be offered at the same time, these interruptions are neither agreeable to scriptural examples, nor suited to the gravity of that holy duty.

“Secondly, They object the prefaces of many Collects have no clear and direct reference to the following petitions. That the petitions are put together without due order or natural connexion, and falling short, instead of being suitable to the occasions for which they are used, seem to have been the effect of chance and inadvertency. It is therefore desired, that instead of those discontinued Collects there may be one methodical and entire form of prayer composed out of many of them.”

“17. They observe the public liturgy of a Church ought to comprehend the sum of all such sins as are ordinarily to be confessed in prayer, and take in such petitions and thanksgivings as are commonly to be put up by the Church: and that the catechisms, or public systems of doctrine, should contain a brief abstract of all such doctrines as are necessary to be believed: and the points should be set down in a clear, explicit manner. And here they pretend the liturgy is defective as to all these matters.

1. Say they, “there is no preparatory prayer in the beginning of the service for God’s assistance and acceptance;” and yet many collects in the middle of the worship have little or nothing else.

2. “The Confession,” as these ministers continue, “is very defective: original sin is not clearly expressed, nor the number of actual sins, with their aggravations, sufficiently enlarged on; that the form goes too much upon generals; whereas confession, being an exercise of repentance, ought to be more particular.”

3. They complain of “a great defect in the forms of public thanksgiving.” CHARLES
II.

4. They object “the whole body of the Common Prayer is too much wrapt up in generals: as, ‘to be kept from all evil,’ ‘from all enemies,’ ‘from all adversity,’ ‘that we may do God’s will,’ &c., without dilating upon the particulars included.”

5. They pretend “the Catechism is defective in many necessary doctrines, and that some of the essentials of Christianity are not mentioned, unless in the Creed.”

18. They allege “the liturgy enjoins the use of several ceremonies, which, from the time of the first Reformation, have been judged unwarrantable by divers learned and pious men.” The impositions complained of are, “first, the enjoining the use of the surplice; secondly, that none may baptize or be baptized without the transient image of the cross, which has at least,” say they, “the appearance of a sacrament of human institution; thirdly, the enjoining the posture of kneeling at receiving the Lord’s supper,”—and here they cite the authority of our Saviour and his apostles for a different gesture; —“and that the Church of England contradicts the practice of the Catholic Church for several ages, and runs counter to the canons of the most venerable synods; and, lastly, that the weight of these impositions is still made more burthensome by the canons requiring the clergy to subscribe their lawfulness.”

An Account
of all the
Proceedings
of the Com-
missioners
of both per-
suasions, &c.
London:
printed in
the year
1661.

To these exceptions, the commissioners, who represented the Church of England, returned an answer, part of which shall be laid before the reader:—

*The answer
of the com-
missioners
for the
Church.*

1. The Presbyterian ministers objected, “the liturgy had all along given dissatisfaction to several persons of piety and learning.” To this the episcopal divines returned, “that the passages complained of in the liturgy ought to be evidently proved unlawful before any alterations can be demanded; that it is no argument to say, a great many pious persons scrupled the use of it, unless it can clearly be made out the liturgy has given just ground for such scruples: for, otherwise, if the bare pretence of scruples is a sufficient plea to discharge us from obedience, all law and order can signify nothing.” To this they add, “that, if the liturgy should be altered as the

JUXON,
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Their answer to the Presbyterians' first proposal.

ministers' paper requires, the generality of the soberest and best members of the Church of England would have just cause of disgust : for that such an alteration would imply a concession that this liturgy was an intolerable burthen upon tender consciences, and an usage plainly superstitious : for these are the pretences suggested for an alteration. Now, the granting all this must infer the justifying those who have separated from it, and the condemning all those who have adhered to it with the hazard and loss of lives and fortunes." After this introduction, they proceed to give an answer to the first general proposal, and affirm, "that the English reformers had been careful to put nothing into the liturgy but what is either evidently the Word of God, or has been generally received by the Catholic Church." To the next proposal they answer, "that great care must be taken to suppress private conception of prayer, both before and after sermon ; that, otherwise, private opinions will be brought into pulpit-prayers. For what else can be expected, if private persons may have the liberty of making public devotions?"

To that part of the proposal, that prayers may consist of nothing "doubtful or questioned by pious, learned, and orthodox persons," the episcopal divines reply, "that, since it is not defined and ascertained who those orthodox persons are, they must either take all those for orthodox persons who have the assurance to affirm themselves such ; and, if so, the demand is unreasonable : for some, who deny the divinity of the Son of God, will style themselves orthodox ; and yet there is no reason we should part with an article of our Creed for their satisfaction. Besides, the proposal requires an impossibility : for there never was, nor ever will be, any prayers couched in such a manner as not to be questioned by some people who call themselves pious, learned, and orthodox. But if by 'orthodox' is meant only those who adhere to Scripture and the Catholic consent of antiquity, they are not of opinion that any part of the English liturgy has been questioned by such."

To the general objection, of "the English service being loaded with church-pomp, imagery, many superfluities, and reviving obsolete customs,"—to this they answer, "that, if these generals are intended to be applied to the liturgy, they are gross calumnies, and a contradiction to the confession of

these very ministers, in the latter part of their exceptions. CHARLES II. But, if no application is intended, they are foreign to the purpose; and, therefore, it had been more prudence and candour not to have mentioned them."

To go on with the Church commissioners, who need not be mentioned at every article:—

"It was the wisdom of our reformers," say they, "to draw up such a liturgy as neither Romanists nor Protestants could justly except against: and therefore, as the first never charged it with any positive errors, but only with the want of something they conceived necessary; so was it never found fault with by those properly distinguished by the name of Protestants,—that is, those of the Augustine confession. And as for others, who have brought the Church-service into dislike with some people, this practice of theirs has been their fault and their sin; so that, to urge the present state of affairs as an argument why the book should be altered, is by no means reasonable. To do this would be to gratify these men in an error, and make their own unwarrantable conduct of advantage to them.

"The third and fourth proposals may go together, the demand in both being against responsals and alternate readings in hymns, psalms, &c.; and that upon such a motive as really rather proves the necessity of continuing them in their present condition. They would take these usages away 'because they do not edify.' Now, for this very reason, they ought to be kept on: for, that they do edify, is plain; if not by informing our understandings, (the prayers and hymns being never made for a catechism,) yet by quickening, keeping up, and uniting our devotion, which is apt to sleep or grow languid in a long-continued prayer. Our edification, therefore, is best consulted by being called on and awakened by frequent 'amens;' by being excited by mutual exultations, petitions, and holy emulations, which of us shall go farthest in showing his own zeal for the glory of God, or contribute most to that of others. For this purpose, alternate reading, repetitions, and responses, are far more serviceable than a long tedious prayer. Nor is this our opinion only, but the judgment of former ages, as appears by the practice of the Jewish and ancient Christian Churches.

The answer to the third and fourth proposals.

*Chron. vii. 1.
Ezra iii. 11.
Socrat. lib. 6. cap. 6.
Theod. lib. 2. cap. 24.*

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Abp. Cant.

“ But these demandants object this custom clashes with the Scripture: that these inspired writings declare the minister’s being appointed for the congregation in public prayers: that the people’s part is only to attend with silence, and signify their assent by saying amen. Now if these gentlemen mean that the people in public services must only say the word amen, they have no text to prove their assertion. Besides, they themselves practise the direct contrary in one of their principal parts of worship; we mean their singing of psalms, where the people have as great a part as the minister. Now if this may be done in Hopkins’, why not in David’s psalms? If in metre, why not in prose? If in a psalm, why not in a litany?

*Answer to
the fifth
objection.*

“ Farther, it is desired that nothing should be in the liturgy which so much as seems to countenance the observation of Lent as a religious fast: this is requested as an expedient for peace, and is in effect to desire our Church may shew herself contentious for the sake of peace, and divide from the Catholic Church, that we may correspond the closer at home, and live at unity among ourselves. But St. Paul reckons those contentious who oppose the custom of the Churches of God. Now that the religious observation of Lent was a custom of the Churches of God appears by the testimonies of the fathers. This demand therefore has no tendency to peace, but dissension. And here the fasting forty days may be practised in imitation of our Saviour, notwithstanding what is objected to the contrary: for though we cannot reach up to his divinity, follow him *passibus æquis*, and abstain wholly from meat for so long a time, yet we may fast forty days together, either as Cornelius did, till three o’clock in the afternoon, or till noon, as St. Peter did, or at least we may come up to Daniel’s fast, and forbear entertaining our palate: and thus far, without question, it is possible for us to imitate our Lord. Nor does the act of parliament, 5 Eliz. forbid fasting in this manner, or upon the view above mentioned: we dare not suppose the parliament had any intention to prohibit a custom commanded by the Church of Christ: neither does the act determine any Lenten fast, but only provides for the increase of the navy, and encouraging the fishery upon that score. Besides, we must not interpret one statute so as to make it clash with

Chrysost.
Hom. 11. in
Heb. 10.
Cyril. Catec.
myst. 5. St.
August. Ep.
119. ut 40.
*dies ante
pascha ob-
servetur,
ecclesiæ con-
suetudo ro-
boravit.*
And St.
Jerome, Ep.
ad Marcel.,
says it was
*secundum
traditionem
Apostolo-
rum.*

another. Now the 1 Eliz. cap. 2, still in force, confirms the whole liturgy, and by consequence the religious keeping of Lent; and this with a severe penalty upon all those who speak in derogation of any part of the Common Prayer. And therefore that other act of 5 Eliz. cap. 5, must not be interpreted to a counter sense, and as if it prohibited the religious keeping of Lent.

“The observing saints’ days is not enjoined as of divine, but of ecclesiastical institution: that therefore it is not necessary they should have any particular appointment in Scripture: their being useful for the promoting piety, and serviceable to the general end recommended in holy writ, is sufficient for this purpose. That the observation of these solemnities was a primitive custom, appears by the rituals and liturgies, by the consentient testimony of antiquity, and by the ancient translations of the Bible: for instance, by the Syriac and Ethiopic versions, where the lessons appointed for holy days are particularly marked. Now the former of these translations comes near the apostolic age. Farther, our Saviour himself kept the feast of the dedication, which was a solemnity of the Church’s institution. And the chief business of these days, being not for feasting, not for entertainment and diversion, but the exercise of holy duties, they are more properly called holy days than festivals: and though they are all of a resembling nature, it cannot be inferred they all require an equal regard. As for the people, they may be indulged working after evening service, if authority shall think fit. The other names excepted against, stand in the calendar, not that they should be kept as holy days, but upon the score of their being useful for preserving the memories of some eminent persons: they are likewise serviceable for leases, law days, &c.

CHARLES
II.

*Answer to
the sixth pro-
posal.*

John x. 22.

*Answer to
the seventh
proposal.*

“Their proposal touching the gift of prayer, makes the liturgy, in effect, wholly insignificant: for what else can be the consequence, if every minister may put in and leave out at discretion? As for the gift, or rather the spirit of prayer, it consists in the inward graces of the Holy Spirit, and not in extemporary expressions: such unpremeditated effusions are only the effects of natural parts, of a voluble tongue and uncommon assurance. But if there is any such gift as is really pretended, this extraordinary qualification must be subject to the prophets and the order of the Church.

1 Cor. xiv.

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Abp. Cant.

“Considering the mischiefs coming by impertinent, ridiculous, and sometimes seditious, wicked, and blasphemous expressions, under pretence of giving liberty for exercising the gift of prayer; considering the honour of God is so highly injured, and religion suffers so much this way, it is reasonable those who desire such an indulgence in public devotions, should first give the Church security, that no private opinions should be put into their prayers: and that nothing contrary to the faith should be uttered before God, or offered up to him in the Church. To prevent which mischiefs, the former ages knew no better way than forbidding the use of any prayers in public, excepting such as were prescribed by public authority.

Concil.
Carthag.
can. 106.
Concil.
Milev.
can. 12.

“The Presbyterians’ objections against the obsolete language, and mistaken sense in the translation used in the liturgy, are all true, and all amended.”

*Answer to
the ninth
proposul.*

The Church commissioners proceed to consider their exceptions against reading Apocryphal lessons in the Church. And here they observe, “the Presbyterians demand an alteration upon such grounds as would exclude all sermons as well as the Apocrypha. Their argument is, the holy Scriptures contain all things necessary with reference both to belief and practice. This plea is returned upon them with a dilemma: If the inspired writings, say the Church commissioners, are so comprehensive, to what purpose are there so many unnecessary sermons? Why have we any thing more than the reading of holy Scriptures? But if notwithstanding the sufficiency of the Old and New Testament, sermons are necessary, there is no reason why these Apocryphal chapters should not be reckoned equally useful: for most of them deliver excellent discourses and precepts of morality: and it is much to be wished the sermons of these ministers were no worse: if they are afraid these books may by this regard come up to an equal authority with the canon; the Church has secured them against this apprehension, by calling them Apocryphal: now it is the Church’s testimony which teaches us to make this distinction. And lastly, to leave out these Apocryphal lessons, were to cross upon the practice of former ages.

*Answer to
the tenth
proposul.*

“That the minister should not read the communion service at the communion table, is not reasonable to demand, since it was the practice of all the primitive Church: and if we do not govern ourselves by that golden rule of the council of

Nice, ('Let ancient customs be continued,') unless reason plainly CHARLES
II. requires the contrary, we shall give offence to sober Christians by a causeless departure from Catholic usage, and put a greater advantage in the hands of our adversaries, than it is to be hoped our brethren the Dissenters would willingly allow. As for the priest's standing at the communion table, it seems an invitation to the holy sacrament, and reminds us that it is the duty of some of us at least, to receive every Sunday: and though we happen to neglect our duty, it is fit the Church should suggest recollection, and keep her standing.

"It is not reasonable the word minister should only be used in the Common Prayer: for since some parts of the liturgy may be performed by a deacon, and others, such as absolution and consecration, by none under the order of a priest, it is fit some such word as priest should be used for those offices which are appropriated to his character: the term minister being of too low and lax a signification for this purpose. The word curate likewise signifies those who are entrusted by the bishop with the cure of souls, and therefore very fit to be used. Sunday being a very ancient distinction of the day upon which our Saviour rose from the dead, there is no reason that name should be disused. Answer to
the eleventh
proposal.

Just. Mart.
Apol. 2.

"Singing of psalms in metre," continue the Church commissioners, "is no part of the liturgy, and by consequence no part of our commission. Answer to
the twelfth
proposal.

"In answer to the fifteenth objection, they allege, that the Church's phrase in her prayers, is no more offensive than St. Paul's: this apostle, in his epistles to the Corinthians, Galatians, and others, calls them in general the Churches of God sanctified in Christ Jesus, and saints by their vocation. And yet amongst these, there were many, who upon the score of their open irregularities, could not properly be styled such: however, St. Paul denominates the whole from the greater part, and puts the rest in mind of their profession, what they have undertaken in their baptism, and the privileges and honourable distinctions to which that sacrament has given them a title. Answer to
number fif-
teen.
882.

"As to the connexion of the parts of the liturgy, it is conformable to the example of the Churches of God, and has as much coherence as usually occurs in many petitions of the same psalm. And the method of these offices they must Answer to
the sixteenth
objection.

JUXON, Abp. Cant. believe to be admirable, and beyond exception, till the Presbyterians can suggest a better, which is not yet done.

“ The collects, by their brevity, are best suited to devotion, and resemble those short but prevalent prayers in Scripture, ‘ Lord, be merciful to me a sinner. Son of David, have mercy on us. Lord, increase our faith.’ ”

After this, proceeding to the remainder of the objection, they subjoin, “ We cannot imagine why the repeated name and mention of the attributes of God, should not be most acceptable to any person religiously disposed: or how this repetition should seem any burthen, since David magnified one attribute of God’s mercy six-and-twenty times together. Nor can we conceive why the name and merits of Jesus Christ should be less comfortable to us than to former saints and martyrs: and since the hopes of obtaining our petitions are founded upon the attributes of God, such prefaces of prayers as are taken from the divine perfections, are not to be censured as unsuitable and casual, though they should have no special reference to the following petitions.”

Answer to the seventh objection.

From hence they advance to the 17th exception: “ And whereas it was objected there was no preparatory prayer in our liturgy for God’s assistance or acceptance, they answer, this is plain misreporting the Common Prayer. For, besides a preparatory exhortation, there are several prayers upon the heads in which it is pretended they are deficient. The instances are these: ‘ Despise not, O Lord, humble and contrite hearts. These things may please him that we do at this present. O Lord, open our lips,’ ” &c.

“ As to the Presbyterian objection against the Church’s Confession being couched in general terms, the episcopal divines answer, that this is rather a perfection than a disadvantage: that the offices are intended for common use: that general services would cease to be such, by descending to particulars. To come closer to the case: when confession of sins is general, all persons may and must join in it, considering ‘ in many things we offend all.’ But if the enumeration of sin were particular, it would not be so well suited to the use of the congregation: for it may well be supposed to happen, that some persons may, by God’s grace, have been preserved from several of those sins recited: and therefore, by confessing themselves guilty, they would lie to God Almighty; and thus stand in

need of a new confession. As for original sin, they conceive it sufficiently acknowledged in the Church's confessing, that, CHARLES II. —
 ' without God's help, our frailty cannot but fall ; and that our mortal nature can do no good without him.'

" And whereas the Presbyterians complained of the want of stated forms for several public occasions ; the Church commissioners answer, they are not conscious of any such defect : however, if any such thing can be made good, the Church will provide accordingly.

" The Dissenters complain, the Liturgy goes too much upon generals, in their application for God's grace and protection, and instance in these expressions : ' that we may do God's will ; that we may be kept from all evil.' Now these, reply the Church commissioners, are almost the very terms in the Lord's Prayer. So that they must reform that, before they can pretend to mend our liturgy in these petitions."

The principal demand of the Presbyterians was, " That those rubrics which impose any ceremonies, especially the surplice, the sign of the cross, and kneeling, might be abrogated." Their reasons for this demand are these— *Answer to the eighteenth objection.*

" 1. It is doubtful," as the Presbyterians argue, " whether God has empowered men to impose such significant signs. For though they call them significant, they have no real goodness in the judgment of the imposers themselves : for they call them things indifferent, and therefore they cannot fall under St. Paul's rule of *omnia decenter*, neither are they suitable to the simplicity of Gospel worship¹.

" 2. Because it is a violation of the royalty of Christ, and an impeachment of his laws as insufficient."

Their other two reasons, drawn from their being scrupled by several learned and orthodox men, and giving occasion to divisions and persecution, have been mentioned already.

The Church commissioners, before they answer particularly to these reasons, premise some general rules for supporting their following discourse :—

" 1. They observe, that God has not only given a power, *Five general*

¹ Milton has expressed this objection with peculiar force : " How cruel," says he, " must that indifferency be which can violate the strictest necessity of conscience."

JUXON,
Abp. Cant.
*rules laid
down by the
Church-
commission-
ers.*

1 Cor. xiv.
40.

but likewise commanded the imposing whatever shall be truly decent and becoming his public service. That after St. Paul had laid down some particular rules for praying, thanksgiving, prophesying, &c. he concludes with this general precept, 'Let all things be done *εὐσχημόνως*,' in a decent manner: and that there may be uniformity in these circumstances of decency, the apostle adds, 'let there be a *τάξις*,' a rule, or canon, for that purpose.

"2. Superiors, not inferiors, must be judges of what is decent and convenient: those who have authority to order that every thing be done decently, must of necessity first judge of the quality of things.

"3. These rules for decency, made and enjoined by superiors, ought to be obeyed by inferiors, till it is made as clear that they are not bound to obey in the particular case, as it is evident in general, that it is their duty to obey their superiors: for if the exemption from obedience is less clear than the command to obey, it must be sin not to obey.

883.
Rom. xiii.

"4. Pretence of conscience is no discharge from obedience, for the law, as long as it continues, binds to obedience: it is the apostle's doctrine, 'Ye must needs be subject.' As to the pretence of a tender or reluctant conscience, this plea can never disable the law: for it neither takes away the authority of the legislator, nor makes the matter of the law unlawful. Besides, if pretence of conscience was a sufficient excuse for non-obedience, laws would signify nothing; for every body might pretend this plea; which, if allowed, anarchy and confusion must inevitably follow.

"5. Though charity moves for compassion, and may dispose superiors to relieve those that are really over-scrupulous and perplexed, yet we must not break God's command out of good nature; and, therefore, we must not suffer the public service to be indecently or disorderly performed for the ease of tender consciences."

Having premised this general answer, the Church-commissioners proceed to argue,—

*Their an-
swer to par-
ticulars.*

"1. That those things which they call indifferent, because neither expressly commanded nor forbidden by God Almighty, have something of natural proportion, goodness, and decency in

them, and for this reason they are imposed. Thus, by St. CHARLES Paul's rule, and many others in Scripture, authority is given ^{II.} to governors to impose signs, which certainly are never the ^{I Cor. xiv.} worse because they carry a signification of decency and regard. On the other side, if the Church should enjoin the use of ceremonies which were wholly insignificant, such an exercise of power might rather be questioned.

"2. To make such laws upon the score of decency is no violation of Christ's royalty: it is only exercising a branch of that authority granted to his Church; and, therefore, disobeying such commands of superiors is a plain opposition to his sovereignty. Farther, making laws for the sake of decency does by no means imply a charge of insufficiency upon our Saviour's institutions: for it is evident, by the precepts themselves, that our Saviour never intended to determine every minute circumstance of time, place, and manner: He only commanded the substance of religious duties in general, and directed to the right ends of the performance. As to other matters, our Lord left every man to the suggestions of reason, for private services; and appointed governors of the Church to determine such particularities for the public. Thus, for instance, our Saviour commanded prayers, fasting, &c.; but time and place for these duties are undetermined. Thus, by parity of reasoning, to make laws for regulating the points of decency is no imputation upon his oeconomy: for it is plain it was not his design to state these matters. He has left us governors for this purpose: their commission is express to all imaginable advantage: 'As my Father sent me, so send I you;' 'Obey those that have the rule over you.' He has likewise told us, that, if we will not hear his Church, we must be reckoned no better than 'heathens and publicans.'

"And whereas the Nonconformists plead they cannot obey the commands of the Church, for fear of violating the precept which forbids 'adding to the Word of God;'—to this the Church commissioners answer, "these ministers do not well ^{Deut. xii. 32.} consider, that it is no addition to the Word of God to command things for order and decency, provided they are not enjoined as God's immediate instructions, but only as regulations of human authority. But, on the other hand, to affirm that superiors are not allowed to command things unforbidden by God Almighty, is an undeniable 'addition to the Word of

JUXON, God.' And likewise, to deny ecclesiastical or civil governors
 {
 Abp. Cant. that power which the Scriptures have given them, is demolishing God's Word, which is no less forbidden in the text last mentioned.

"And, supposing some people continue perplexed and under scruples, the Church may, notwithstanding, without sin, insist upon her commands for complying with decent ceremonies; and all this without being guilty of 'offending our weak brother:' for here the scandal is taken, and not given: it is the prejudice and mistake of the scrupulous person that disturbs himself; and, therefore, he may be justly said to lay the stumbling-block in his own way.

Rom. xiv.

"Neither will the case of St. Paul's 'not eating flesh if it offended his brother' do any service to the complainants: for here, it must be observed, the apostle speaks of things not commanded by God or his Church, of matters which had nothing of decency or significancy for religious purposes; and therefore, in a case thus foreign and unrelated to divine worship, St. Paul was willing to resign his liberty rather than 'offend his brother.' But, if any man should venture to break a just law or custom of the Church, the apostle marks him for a 'contentious' person.

1 Cor. xi.
16.

"That these ceremonies have occasioned many divisions, as it is pretended, is no more their fault, than the misunderstandings between the nearest relations accidentally consequent upon the preaching of the Gospel can be fairly charged on the Christian religion."

Luke xii.

After this they proceed to justify the use of the surplice, by alleging, "that both reason and experience may inform us that decency in ornament and habit strike the senses and excite reverence and regard. Upon this view, they are made use of in the equipage of princes, and in courts of justice. And why, then, should the service of God be refused this common advantage? And, to come to the particular case, no habit is more suitable at holy ministrations than white linen: it is an emblem of purity and beauty: angels have appeared in this dress; and, therefore, what colour can be more proper for those whom the Scripture dignifies with that name? And that this habit was anciently used in the Church, we may learn from St. Chrysostom.

Rev. i.

Chrysost.
Hom. 60. ad
pop. Antioch.

"The cross," continue these episcopal divines, "was always

used in the Church *in immortali lavacro*. To testify, there-
fore, our communion with the saints of former ages, as our
Creed teaches us, and to signify we are not ashamed of the
cross of Christ,—for these reasons, they conceive it proper
this ceremony should be continued, and cannot imagine it
should trouble the conscience of any person that desires to be
satisfied.”

CHARLES
II.
Tertull. de
Coron.
Milit. Mi-
nut. Felix.

As to the posture of kneeling, they argue “it best becomes
the solemnity of the holy eucharist: that the most valuable
blessings ought to be received with the greatest marks of
reverence and submission. That postures of familiarity are not
acceptable to God Almighty upon so solemn an occasion, may
be collected from Malachi i. 6, 8. That, when the Church
used standing at her prayers, the manner of receiving was
more adorantium; that, since this posture of standing has been
disused, and kneeling practised instead of it,—since this cir-
cumstance is thus altered by the Church’s appointment,—to
stand at the communion now, when we kneel at prayers,
would be by no means decent, neither was it ever the custom
of the best times.”

884.

St. August.
Psal. xcviij.
Cyril.
Catech.
Mystag. 5.

The Church commissioners conclude their general answer
with taking notice “that there were ancient liturgies in the
Church, as appears plainly from St. Chrysostom’s, St. Basil’s,
and others: and the Greeks,” say they, “mention St. James’s,
much older than the rest. And though we cannot trace
entire liturgies through all the centuries of Christianity, yet
that there were such in the earliest ages, may certainly be
concluded from the fragments remaining: such as ‘*Sursum
corda*,’ &c., ‘*Gloria Patri*,’ ‘*Benedicite*,’ ‘*Hymnus*,’ ‘*Cheru-
binus*,’ &c., ‘*Vere dignum et justum*,’ &c., ‘*Dominus vobis-
cum, et cum spiritu tuo*,’ with several others: and notwith-
standing the liturgies now extant may be interpolated, yet
where the forms and expressions are agreeable to Catholic
doctrine, they may well be presumed uncorrupted remainders,
and primitive usage, especially since general councils are silent
as to the original of these liturgies.”

Papers that
passed be-
tween the
Commis-
sioners at
the Savoy
Conference.
See above,
under the
reign of K.
Edw. 6.

To this answer the Nonconformists put in a reply too long
to insert. And here I shall only observe, that though they
could not break the answer of the episcopal commissioners;
though truth is inflexible, and the nature of the cause made it
impar congressus: yet it must be said they did not make the

JUXON, worst defence, nor shewed themselves unqualified with parts and learning.

Some farther exceptions of the Non-conformists to the Common Prayer.

As to their more particular exceptions against the rubric and the offices in the Common Prayer, they seem not altogether free from prejudice and a disputing inclination. To give some instances:—"In the litany they would have, 'from all other deadly sin,' altered to 'from all other heinous sins.' 'From sudden death,' they moved might be changed to 'unprepared dying suddenly'." They take check at the Church's praying 'for all that travel,' and insist the expression may be qualified 'to those that travel.' In the office for the visitation of the sick, they except to the form of absolution, press for declarative and conditional expressions; as I 'pronounce thee absolved if thou dost truly repent and believe.'" To this the Church commissioners answer, "that the form of absolving in the liturgy is more agreeable to the Scriptures than that which these ministers desired. For where the apostles and their successors, the bishops and priests, are commissioned for this purpose, it is declared, 'whose sins ye remit, they are remitted,' not 'whose sins you pronounce remitted;' neither needs the condition be expressed, being always necessarily understood.

John xx.

"In the office for churching of women, they would have this prayer, with the responsal, omitted; 'O Lord, save this woman, thy servant. Answer. Which putteth her trust in thee.' The reason of their exception is, that it may happen a woman may come to give thanks for a child born in adultery or fornication. But to this the episcopal divines reply, 'that in such cases she is to do penance before she is church'd.' And, which is the last I shall mention, they except against the rubric's enjoining the woman to 'offer the accustomed offerings:' this they pretend looks too like a Jewish purification. To this the Church commissioners return, 'that offerings are required as well under the Gospel as under the law; and that when we give thanks for special blessings and deliverance from danger, it is a proper occasion for such religious acknowledgments.'" The rest of the Nonconformists' objections, though all of them not altogether so slender as some of those

Papers that passed between the Commissioners at the Savoy Conference.

¹ This suggestion is important: all may cordially deprecate untimely death, but not sudden death, which may, perhaps, be sudden glory, and a consummation devoutly to be wished.

recited, received a sufficient answer from the Church commissioners. But I shall detain the reader no longer upon this subject. However, it may not be improper to observe, there were some few concessions for alteration agreed to on the Church's side.

CHARLES II.

See Records,
num. 119.
*Baxter's
reformed
liturgy.*

Besides the exceptions already mentioned by the Nonconformists, there were larger additions, or new forms, referred to Baxter's management. This divine went a great way in his commission, and drew up an entire service, which he entitled the "Reformed Liturgy." This, though performed by a single hand, not well practised in antiquity, was read by the ministers, and generally approved. The Common Prayer is very much altered in this composition: the additions and omissions are considerable; and both matter and form remarkably different. It was laid before the bishops and other divines in the commission. In the commendatory address before it, the Nonconformists had the modesty to declare, "that if any of those rules or directions upon debate shall be judged by the commissioners unnecessary or over long, we shall be very ready," say they, "to submit either to the alteration or omission of them." At last, in the close of their application, they desire "the several particulars thereof may be inserted into the respective places of the liturgy to which they belong, and be left to the minister's choice to use the one or the other, according to his majesty's gracious declaration concerning ecclesiastical affairs."

To proceed: about ten days before the commission expired, the Nonconformists desired a personal conference with the bishops upon the subject of the papers exchanged. This request being agreed, three of each party were pitched on to manage the dispute: the bishops chose Dr. Pearson, Dr. Gunning, and Dr. Sparrow: the ministers' managers were Dr. Bates, Dr. Jacomb, and Mr. Baxter. When they met, the conference, through want of order, frequent interruptions, and personal reflections, turned to no account.

Time being thus spent to little purpose, bishop Cosens at last produced a paper, containing an expedient to end the controversy. The principal thing in this paper was a proposal "to put the complainants upon distinguishing between things they charged as sinful, and others which they opposed upon the score of inexpediency." The three disputants on the ministers' side were desired to draw up their sense upon this

Petition for
Peace with
the Re-
formation
of the
Liturgy,
&c. printed
A.D. 1661.
Lond.
Here the
reader may
see Baxter's
Reformed
Liturgy.
*The Non-
conformists
desire a per-
sonal con-
ference be-
tween the
episcopal
and Non-
conformist
divines.*

JUXON,
Abp. Cant.

subject against the next morning. This was accordingly done and delivered, but in their own names only: for here they would not pretend to represent their party. In this discourse they charge the rubric and injunctions of the Church with eight things, flatly sinful, and contrary to the word of God. They are these:—

The Non-conformists make eight exceptions against the rubric, but fail in the proof.

885.

“ 1. That no minister be admitted to baptize without the transient image of the cross.

“ 2. That no minister be permitted to read or pray, or exercise the other parts of his office, that dares not wear a surplice.

“ 3. That none be admitted to communion in the Lord's supper that dare not receive it kneeling; and that all ministers be enjoined to deny it to such.

“ 4. That ministers are obliged to pronounce all baptized infants regenerate by the Holy Ghost, whether they are children of Christians or not.

“ 5. That ministers be forced to deliver the sacrament of the body and blood of Christ unto the unfit, both in health and sickness, and that with personal application putting it into their hands: and that such are forced to receive it, though against their own wills, in the conscience of their impenitency.

“ 6. That ministers are forced to absolve the unfit, and that in absolute expressions.

“ 7. That ministers are forced to give thanks for all whom they bury, as brethren whom God has delivered and taken to himself. And,

“ 8. That none may be a preacher that dares not subscribe there is nothing in the Common Prayer-book, book of Ordination, and the Nine-and-thirty Articles, that is contrary to the word of God.”

Calamy's
Life of Baxter,
p. 164.

But this charge looks like naked affirmation; for aught that appears, they either begged the question, or else failed in the proof. Besides, in the fifth and sixth articles, they went upon a supposition evidently false; for, by the Common Prayer-book, the priest was not forced to administer either the holy eucharist, or the absolution, to persons unfit. This way of management, on the side of the Nonconformists, gave but a slender prospect of an accommodation. However, the episco-

pal divines being willing the others should go their whole length, and exert their force, it was at last agreed to argue in writing. The most remarkable things in this debate were these two :—

CHARLES
II.

First. They had a long argument about settling the sense and application of Rom. xiv. 1, 2, 3, "Him that is weak in the faith, receive you, but not to doubtful disputations," &c. But the meaning of a resembling text having been discussed in the Church commissioners' answer, I shall waive the recital of what passed upon this head. Only here it may be observed, that the Presbyterian ministers were the opponents.

In the other part of the dispute, the question was, "Whether it was sinful to enjoin ministers to deny the communion to those that would not receive it kneeling?" And here the episcopal divines who opposed, urged several arguments, that things in their own nature indifferent might become necessary, as to their use, when commanded by lawful authority. In this debate Baxter seems to have been either perplexed in his understanding, or indisposed for closing the difference; for no proposition could be made plain enough to gain his assent. For instance, the episcopal divines argued thus: "That a command which commands only an act in itself lawful, is not sinful." This was denied by Baxter, upon the score that some unlawful circumstance might hang on the command, or because the penalty might be overcharged. The opponents reinforced their proposition thus: "That command which commandeth an act in itself lawful, and no other act whereby any unjust penalty is enjoined, nor any circumstance whence directly, or *per accidens*, any sin is consequent, which the commander ought to provide against, is not sinful." This Baxter denied, for this dark reason, "Because the first act commanded, may be accidentally unlawful, and be commanded by an unjust penalty, though no other act or circumstance be such." This, besides the obscurity of the answer, appears no more than a repetition of what he had answered before. However, to disentangle this divine, the opponents endeavour to set the argument in a stronger light, if possible. To this purpose, they improve their proposition, thus: "That command which commandeth an act, in itself lawful, and no other act whereby any unjust penalty is enjoined, nor any circumstance whence directly, or *per accidens*, any sin is consequent, which the commander

Baxter's
unsupported
manner of
arguing.

JUXON,
Abp. Cant.

Id. p. 167,
168.

Letter to a
Friend for
Vindication
of himself
from Mr.
Baxter's
Calumny.

Calamy's
Life of Bax-
ter, p. 168,
169.
*The con-
ference at
Savoy ends
without an
accommoda-
tion.*

ought to provide against, hath in it all things requisite to the lawfulness of a command, and particularly cannot be guilty of commanding an act *per accidens* unlawful, nor of commanding an act under an unjust penalty." This proposition, thus demonstratively couched, was denied by Baxter for his reasons last mentioned. His talent lay in retiring to foreign distinctions, and misapplications of the rules of logic. But whether this involving the argument, and raising a mist, was art, or infirmity, is hard to determine. However, let the most charitable construction pass. This cavilling and chicanery,—as it appeared, at least, in Baxter's management,—was complained of in print, by bishop Morley. This prelate takes notice, that Baxter's denying that plain proposition last mentioned, was not only a frivolous and false manner of arguing, but likewise destructive of all authority, human and divine; that the rejecting propositions of such evidence, strikes the Church out of all authority for making canons for the settling of order and discipline. And more than this, such a sceptical length of denial takes away all legislative power from the king and parliament, and even from God himself; for no act can be so good in itself, but that it may lead to a sin by accident. And if to command such an act be a sin, then every command must be a sin.

And thus the conference at the Savoy ended without an accommodation. Whether the encouragement the Nonconformists received from the king and the ministry, the assurances they might have from some leading members in parliament, or their interest they reckoned on with the people; whether all, or any of these motives made them stand off, and less compliant, is farther than I shall pronounce.

Before I take leave of this subject, I shall just mention those Church commissioners who had the greatest share in the debate. Henchman, then bishop of Salisbury, and afterwards of London, is reported well acquainted with the Fathers and councils: he discoursed with great temper, but was strongly against large abatements and schemes of comprehension. This prelate, together with Sheldon and Morley, are said to have had the chief management of this affair. Dr. Pearson, afterwards bishop of Chester, disputed with great exactness. The ministers on the other side had a particular regard for him, and believed that if this divine had been an umpire in the

controversy, his concessions would have gone a great way: CHARLES
II.
and, to mention only one more, Dr. Gunning, afterwards bishop of Ely, had a principal part in the debate: he had a ready pronounciation, and argued with great learning and vigour. His regard for the practice of antiquity made him adhere strictly to the ceremonies and constitution of the Church: and he thought it by no means reasonable to give up usages and regulations, so primitively settled and supported.

At the close of the last day it was mutually agreed, that the report of the conference should be delivered to the king in writing, and that each party should give in this general account, "That the Church's welfare, that unity and peace, and his majesty's satisfaction, were ends upon which they were all agreed: but as to the means, they could not come to any harmony." 886.

Soon after this conference, the Nonconformist commissioners drew up an account of their performance, together with a petition to his majesty for those alterations and abatements which had been lately promised. It was presented by bishop Reynolds, Bates, Manton, and Baxter. Part of their address runs thus:—

———— "As your majesty, under God, is the protection whereto your people fly, and as the same necessities still remain which drew forth your gracious declaration, we most humbly and earnestly beseech your majesty, that the benefits of the said declaration may be continued to your people, and in particular that the additions may be made to the liturgy, that are therein expressed.—We shall wait in hope, that so great a calamity of your people as would follow the loss of so many able, faithful ministers, as rigorous impositions would cast out, shall never be recorded in the history of your reign; but that these impediments of concord being forborne, your kingdoms may flourish in piety and peace," &c.

The Non-conformists address the king for the benefit of his late declaration.

Id. p. 176.

But this application failed of success. The king might probably be of opinion, that these ministers came off with disadvantage, and sunk in the controversy.

While the debate at the Savoy was on foot, a new parliament met at Westminster; the members of both houses were well affected to the Church and crown. And, not to mention May 8,
1661.

JUXON,
Abp. Cant.
May 22.

other things, of this we have an instance, in their order for burning the "National Vow and Covenant," by the common hangman.

A new parliament meets at Westminster.

At the summoning this parliament, the Church was not perfectly re-established; and the king, as has been observed, had granted a commission to a certain number of Episcopal and Presbyterian divines, to treat an union at the Savoy: for these reasons, it was once almost resolved by the court, not to call a convocation with the parliament. Before this matter was fully settled, Dr. Heylin wrote a letter to a principal minister of state, to solicit the king that the clergy might be continued in their ancient privilege of holding synods. I shall give the reader only some part of this application:—

Dr. Heylin's letter to a minister of state.

"MY LORD,

———— "If it is objected," says the doctor, "that the commission, now on foot, for altering and explaining certain passages in the public liturgy, may either pass instead of a convocation, or else is thought to be neither compatible nor consistent with it; I hope far better in the one, and must profess, that I can see no reason in the other. For, first, I hope that the selecting some few bishops, and other learned men of the lower clergy, to debate on certain points contained in the Common Prayer-book, is not intended for a representation of the Church of England, which is a body more diffused, and cannot legally stand bound by their acts and counsels. And if this conference be for no other purpose, but only to prepare matters for a convocation, (as some say it is not) why may not such a conference and convocation be held at once? For neither the selecting of some learned men, out of both orders, for the composing and reviewing of the two liturgies digested in the reign of king Edward VI., proved any hinderance in the calling of those convocations which were held, both in the second and third, and in the fifth and sixth, of the said king's reign. Nor was it found that the holding of a convocation, together with the first parliament, under queen Elizabeth, proved any hinderance to that conference, or disputation which was designed between the bishops and some learned men of the opposite parties; all which considered, I do most humbly beg your lordship to put his majesty in mind of sending out his mandates to the two archbishops for summoning a

convocation (according to the usual form) in their several pro- CHARLES
vinces; that this poor Church may be held with some degree II.
of veneration, both at home and abroad.

“ Your lordship’s,” &c.

Upon the strength and seasonableness of this application, the king, it is probable, dispatched his mandate for a convocation in each province; the writs for summoning the parliament having been issued some unusual time before. His majesty’s writ to William, archbishop of Canterbury, for meeting his suffragans and clergy at St. Paul’s, London, was dated April the 11th.

At the time appointed the convocation was opened with Divine service, and a sermon was preached in Latin, by Dr. Thomas Pierce, on Acts xv. 28. And the archbishop, being somewhat disabled by age and ill health, the bishop of London presided. On the 16th of May the convocation met upon prorogation, in the collegiate church at Westminster. And here Dr. Fearn, dean of Ely, elected prolocutor in the former session, was presented to Sheldon, and confirmed. After this the clergy of the lower house being dismissed, the bishops consulted for a form of prayer to be used on the 29th of May, and another for the 30th of January. The drawing these forms was referred to two several committees, each consisting of four bishops, and eight of the inferior clergy.

After the next prorogation, the president delivered the form of prayer for May 29, to the prolocutor, who was to lay it before the lower house for their consent. And now this precedent suggested the want of a particular “ form for the ministration of baptism to those of riper years,” and referred it to a committee of three bishops, and six of the lower clergy. Id.

July the 17th, the bishop of Sarum brought in a draught of some canons, which were read, amended, and recommitted. Id. p. 30.

At the second meeting of the parliament, Nov. 20, the convocation met the day following, when the king’s letters were read for the review of the Common Prayer, and a committee was appointed for that purpose. This weighty business engaged the whole synod till December 20, when the Book of Common Prayer, revised and amended, was approved and

The convocation meets.
Session 2.

Acta Superioris Domus Convoc.
Vid. Synod. Anglic. in Append. p. 60. et deinceps.

Sess. 3.

Sess. 18.

Id. p. 34.

Sess. 48.

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Id. p. 95.
March, A. D.
1661-2.

signed by all the members of each house. In the fifty-sixth session, the upper house consulted about the "Act for Uniformity of Public Prayers."

In the seventieth session, the president sent for the lower house, and told them, "that the Book of Common Prayer, and Administration of the Sacraments, and other Rites and Ceremonies of the Church, according to the use of the Church of England, together with the Form of Ordaining and Consecrating Bishops, Priests, and Deacons, as revised by the convocation, had been well received by the house of lords; and that all the temporal peers returned thanks to both houses of convocation, for their great care and industry in that matter."

On Saturday, March the 22d, the president and bishops consulted about a form for consecrating parish churches and chapels, and referred that business solely to the management of John lord bishop of Durham.

Upon the tenth of June, this summer, the king directed his writ to Accepted Frewen, archbishop of York, to summon a convocation for that province. And upon the 22d of November following, his majesty, in a letter to the said archbishop, empowered this synod to review the Common Prayer and the ordinal, and to make such additions or alterations as they thought proper. But his majesty requiring all possible expedition, and this northern synod considering they were too far distant for consulting with the Canterbury convocation; and that the sending dispatches to London, and receiving them from thence, would take up too much time: for this reason the upper and lower house agreed to make proxies to transact in their names, with the province of Canterbury; obliging themselves to abide by their vote, under the forfeiture of all their goods and chattels. Their representatives, furnished with procuratorial letters for this purpose, were: John Berwick, D.D. and dean of St. Paul's, London; John Earles, D.D. and dean of Westminster; Henry Fearn, D.D. and dean of Ely; Henry Bridgeman, D.D. and dean of Chester; Robert Hich, D.D., archdeacon of Leicester; Matthew Smalwood, D.D., convocation-man for the archdeaconry of Chester and Lichfield; Andrew Sandiland, clerk, rector of Skeringham, and proxy for the clergy of the archdeaconry of the East-riding in the county of York; Humphry Floyd, clerk, proxy

The convocation at York send proxies to London to transact with the province of Canterbury.

Bishop Wake's Appendix to the State of the Church, transcribed from the Convocation Book at York, p. 240.

for the chapter of York. And here we are to observe, that CHARLES the commission of these gentlemen was limited to the business ^{II.} of reviewing the Common Prayer, and book for ordination.

In the beginning of this year, a parliament was held at Edinburgh in Scotland, where, amongst other things relating to religion, it is expressly declared, "That there is no obligation upon this kingdom (of Scotland) by covenant, treaties or otherwise, to endeavour by arms, a reformation of religion in the kingdom of England, or to meddle with the government and public administration of that kingdom. And farther, ^{*Episcopacy restored in Scotland.*} his majesty, with advice and consent of the estates of parliament, does discharge and inhibit all his majesty's subjects ^{*A recital of the acts relating to the Church there.*} within this kingdom, that none of them presume upon any pretext of any authority whatsoever, to require a renewing or swearing of the said league and covenant, or of any other covenants, or public oaths concerning the government of the Church or kingdom, without his majesty's special warrant and approbation."

About this time, Mr. James Sharp, Mr. Hamilton, Mr. Barwell, and Mr. Loghton, all in Presbyterian orders, came to London; where, after being ordained deacons and priests, they were consecrated bishops by the bishop of Winchester, with the assistance of two other English prelates. At this solemnity, they expressly disclaimed the validity of their former ordination: they likewise procured a proclamation, declaring the king's pleasure for restoring the government of the Church by archbishops and bishops, as it was settled in the year 1637. It was likewise farther signified in this instrument, that his majesty had nominated and presented archbishops and bishops to their respective sees, to exercise and enjoy the same authority, with which the prelates governed that Church in the reign of his royal grandfather.

Pursuant to this proclamation, the privy council of Scotland strictly discharged all ecclesiastical meetings at synods, presbyteries, &c. till they should be authorized for that purpose by the archbishop and bishops.

At the second session, begun at Edinburgh upon the 8th of May 1662, the restitution of episcopacy was confirmed by act of parliament. The statute sets forth; "That his majesty and his estates of parliament, taking to their serious consideration, that in the beginning of, and by the late rebellion within

Charles 2.
parl. 1.
cap. 7.
p. 140.
Sept. 6.

January 9,
A. D. 1662,
according to
the Scotch
computation,
where the
year begins
on the 1st of
January.

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this kingdom, in the year one thousand six hundred and thirty seven, the ancient and sacred order of bishops was cast off; their persons and rights were injured and overturned, and a seeming parity among the clergy factiously and violently brought in, to the great disturbance of the public peace, the reproach of the reformed religion, and violation of the excellent laws of the realm, for preserving an orderly subordination in the Church: and therewithal considering what disorders and exorbitances have been in the Church, what encroachments upon the prerogative and right of the crown, what usurpations upon the authority of parliaments, and what prejudice the liberty of the subject hath suffered by the invasion made upon the bishops and episcopal government which they find to be the Church government, most agreeable to the word of God, most convenient and effectual for the preservation of truth, order, and unity, and most suitable to monarchy, and the peace and quiet of the State; therefore his majesty, with advice and consent of his estates of parliament, hath thought it necessary, and accordingly doth hereby redintegrate the state of bishops to their ancient places and undoubted privileges in parliament, and to all their other accustomed dignities, privileges, and jurisdictions, and doth hereby restore them to the exercise of their episcopal function, presidency in the Church, power of ordination, inflicting of censures, and all other acts of Church discipline, which they are to perform, with advice and assistance of such of the clergy as they shall find to be of known loyalty and prudence."

Charles 2.
parl. 1.
sess. 2.
act 1.

By another statute it is enacted, "That whatsoever minister shall, without a lawful excuse to be admitted by his ordinary, absent himself from the visitations of the diocese, which are to be performed by the bishop, or some of the ministers to be appointed by him, or from the diocesan assembly; or who shall not according to his duty concur therein, or who shall not give them assistance in all the acts of Church discipline, as they shall be required thereunto by the archbishop or bishop of the diocese, every such minister so offending shall, for the first fault, be suspended from his office and benefice till the next diocesan meeting; and if he amend not, shall be deprived, and the Church and benefice to be provided for as the law alloweth in other cases of vacancies."

By this act likewise, all meetings or conventicles in houses

for religious exercises, are prohibited ; and none are permitted to preach in public, or in families, or teach any public school, or be tutors to children of persons of quality, without a licence from the ordinary of the diocese. CHARLES II.
Id. act 4.

And to mention another provision in this session, all persons in public trust or office, are obliged to sign the following declaration :—

“I, A. B., do sincerely affirm and declare, that I judge it unlawful to subjects, upon pretence of reformation, or other pretence whatsoever, to enter into leagues and covenants, or take up arms against the king, or those commissioned by him : and that all these gatherings, convocations, petitions, protestations, and erecting and keeping of council tables, that were used in the beginning, and for carrying on of the late troubles, were unlawful and seditious. And particularly, that these oaths, whereof the one was commonly called the national covenant (as it was sworn and explained in the year one thousand six hundred and thirty eight, and thereafter) and the other entitled a solemn league and covenant, were, and are in themselves unlawful oaths, and were taken by, and imposed upon the subjects of this kingdom, against the fundamental laws and liberties of the same. And that there lieth no obligation upon me, or any of the subjects, from the said oaths, or either of them, to endeavour any change or alteration of the government either in Church or State, as it is now established by the laws of the kingdom.” 888.

Id. act 5.

Before I take leave, I must observe, that the act for reviving the right of patronages seized by the Presbyterians passed this session. Id. act. 3.

To return to England : at the opening of the parliament at Westminster, the lord-chancellor Hyde harangued with great vehemence against the Dissenting preachers. He tells the lords and commons, they were “the great physicians of the kingdom ;” and then, applying this character, he suggests, “there is a sort of your patients that I must recommend to your utmost vigilance, utmost severity, and to no part of your lenity and indulgence ; those who are so far from valuing your prescriptions, that they look not upon you as their physicians, but their patients ; those who, instead of repenting of anything

Lord-chancellor Hyde's speech against the dissenting preachers.

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they have done amiss, repeat every day the same crimes, for the oblivion whereof the act of indemnity was provided. These are the seditious preachers, who cannot be contented to be excused from their full obedience to some laws established, without reproaching and inveighing against those laws how established soever; who tell their auditories, that the apostle meant, when he bade them 'stand to their liberties,' that they should stand to their arms; and who, by repeating the very expressions, and teaching the very doctrine they set on foot in the year 1640, sufficiently declare that they have no mind that twenty years should put an end to the miseries we have undergone. What good Christian can think, without horror, of these ministers of the Gospel, who by their function should be messengers of peace, and are in their practices the only trumpets of war and incendiaries towards rebellion?—And, if the person and place can aggravate the offence, as no doubt it does before God and men, methinks the preaching rebellion and treason out of the pulpit should be as much worse than the advancing it in the market, as poisoning a man at a communion would be worse than killing him at a tavern."

And, after having gone on with great force and severity of language, he concludes thus: "If you do not provide for the thorough quenching these firebrands, king, lords, and commons shall be their meanest subjects, and the whole kingdom kindled into one general flame."

A.D. 1662.

The rhetoric and interest of this great minister might possibly make an impression upon both houses, and occasion the passing the Act for Uniformity in the condition it now stands. This bill received the royal assent May the 19th, when his majesty prorogued the parliament to the 18th of February.

*The Act for
Uniformity.*

This act, being prefixed to the Book of Common Prayer and lying open to general view, I shall be short in the recital of the contents. By this statute, "all and singular ministers are bound to use the morning prayer, evening prayer, and all other common prayer, in such order and form as is mentioned in the book; and that every parson, vicar, or minister, shall, before the feast of St. Bartholomew, 1662, after the reading of the said book, declare his unfeigned assent and consent to the use of all things in the said book, in these words:—

"I, A. B., do here declare my unfeigned assent and consent

to all and everything contained and prescribed in and by the book entitled, 'The Book of Common Prayer and Administration of the Sacraments, and other Rites and Ceremonies of the Church of England: together with the Psalter, or Psalms of David, pointed as they are to be sung or said in Churches; and the form or manner of making, ordaining, and consecrating of Bishops, Priests, and Deacons.' " CHARLES II.

The penalty for refusing was deprivation. Farther, all ministers and schoolmasters are bound, at their admission to their promotion or employment, before the feast of St. Bartholomew above-mentioned, to subscribe the declaration following:—

"I, A. B., do declare, that it is not lawful, upon any pretence whatsoever, to take arms against the king; and that I do abhor the traitorous position of taking arms by his authority against his person, or against those that are commissioned by him; and that I will conform to the Liturgy of the Church of England as it is now by law established. And I do declare, that I do hold there lies no obligation upon me or on any other person, from the oath commonly called the 'Solemn League and Covenant,' to endeavour any change or alteration of government, either in Church or State; and that the same was in itself an unlawful oath, and imposed upon the subjects of this realm against the known laws and liberties of this kingdom."

This declaration, excepting the clause for conformity to the Church of England, had already been couched in the form of an oath in the beginning of this session, and required of all magistrates and officers in corporations; and, a year forwards, the subscribing the declaration was enjoined all vestrymen in cities or towns corporate.

13 Charles 2.
statute 2.
cap. 1.
15 Charles 2.
cap. 5.

The militia act passed this session: being farther explanatory of the constitution upon this head, I shall transcribe part of it. The statute begins thus:—

"Forasmuch as, within all his majesty's realms and dominions, the sole supreme government, command, and disposition of the militia, and of all forces by sea and land, and of all

JUXON, Abp. Cant. forts and places of strength, is, and by the law of England ever was, the undoubted right of his majesty and his royal predecessors, kings and queens of England; and that both or either of the houses of parliament, cannot nor ought to pretend to the same, nor can nor lawfully may raise or levy any war, offensive or defensive, against his majesty, his heirs, or lawful successors," &c.

13 Charles 2.
cap. 6.

889. These statutes are remarkably extensive and determining; they point particularly against all evasion and reserve: the force of language could not, one would think, secure the crown better, nor bar resistance more effectually than this provision.

To proceed a little farther with the Statute for Uniformity, by which it is enacted, "that no person shall be capable of any benefice, or presume to consecrate and administer the sacrament of the Lord's supper, before he be ordained priest by episcopal ordination, upon pain to forfeit for every offence the sum of an hundred pounds."

And, which is the last branch I shall mention, it is provided that none "be received as a lecturer, or permitted to preach or read any sermon or lecture in any church or chapel, unless approved and licensed by the archbishop or bishop, and shall read the Thirty-nine Articles of religion, with a declaration of an unfeigned assent to the same."

13 & 14
Charles 2.
cap. 4.
*About two
thousand of
the non-
conforming
ministers
ejected.*

This act pressed hard upon the principles of the Presbyterian ministers, and though the grounds for non-compliance were not the same to every individual person, yet about two thousand of them lost their preferments upon scrupling some parts of the statute. Now if these divines would have subscribed the declaration, owned the diocesan for head of their communion, taken orders from the bishops, forbore opposition to the established Church, and not perpetuated their singularities by ordaining others: provided they would have advanced thus far, a question may be asked whether they might not have been dispensed with for their nonconformity in other matters, and suffered to enjoy their livings? Whether these terms were offered and refused before the bill passed, is more than I can discover. But had the Church and government relaxed to these conditions, I find it would have been short of satisfaction to the most moderate Nonconformists. However, to say nothing more, the misfortune of their per-

Calamy's
Life of Baxter, p. 497.
et deinceps.

suasion cannot be remembered without regret : those who quit their interest are certainly in earnest, and deserve a charitable construction : mistakes in religion are to be tenderly used, and conscience ought to be pitied when it cannot be relieved¹.

CHARLES
II.

¹ I shall quote Rapin's observations on this Act of Conformity :

"St. Bartholomew's-day being come, on which the Act of Uniformity was to take place, two thousand Presbyterian ministers chose rather to quit their livings, than submit to the conditions of this act. It was expected that a division would have happened amongst them, and that a great number of them would have chose rather to conform to the Church of England than see themselves reduced to beggary. It was not, therefore, without extreme surprise that they were all seen to stand out—not so much as one suffering himself to be tempted². As this is a considerable event of this reign, it will not be improper to inquire into the causes of this rigour against the Presbyterians: I say the Presbyterians, because it was not the other sects that the Church of England most dreaded.

"1. It cannot be denied, that the high churchmen, who prevailed in the parliament, acted in a spirit of revenge. But this revenge should not appear very strange, considering the persecution, and, at last, the entire destruction, brought upon the Episcopal Church by the Presbyterians, if honour had not been wounded, nor any promise made to the Presbyterians. The Church of England was the national Church, which had flourished from the Reformation to the time of the war between Charles I. and the parliament, when the Presbyterians entirely subverted it. It was, therefore, but just to restore it to its former condition. But it was injustice to violate the promise made to the Presbyterians, especially as they had greatly contributed to the king's restoration, and, withal, to that of the very Church, which persecuted them after being re-established by their assistance.

"2. But revenge was not the sole cause of the present rigour exercised against the Presbyterians. The desire of self-preservation was no less concerned. Experience of what had passed, taught the Church of England, that if the Presbyterians should ever find an opportunity like that which they once had, they would not fail to improve it. They were always irreconcilable enemies, though, in the present juncture, they were unable to do any hurt, and obliged to sue for mercy. It was, therefore, undoubtedly, the interest of the Church of England, to use all possible precautions to hinder the increase of a party already too powerful, and which, probably, would never cease contending for the superiority.

"3. We have seen what were the notions of this parliament, and of High Church, concerning the royal prerogative, and to what height it was carried. The Presbyterians, as well as the other sects, were known to follow quite contrary maxims, and if they were not entirely republicans, at least they endeavoured to reduce the royal power within very narrow bounds, as appeared in the resolutions and conduct of the parliament of 1640. But while the Church of England had no suspicion of the king's religion, and believed him a zealous member, it was her interest to support and extend the prerogative, and consequently to disable the Presbyterians from prosecuting their maxims.

"4. The Church of England's interest required that she should improve so favourable an opportunity, which, perhaps, might never return. It was seen how greedy the king was of money, to throw it away with the greatest profusion, and that he could not be without the assistance of his parliament; and the Church had the good fortune to have a parliament consisting of her most zealous members, and disposed to sacrifice to the king a little of the nation's treasure, provided the king would, in his turn, make them a sacrifice of the Presbyterians. Though he was not suspected to be a Papist, it could

² Kennet's Register, p. 747, &c. Baxter's Life. Burnet.

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Abp. Cant.
17 Charles 1.
cap. 17.
13 Charles 2.
cap. 2.
The proceedings in the convocation.
Synod.
Anglican.
Append.
p. 108, 109.
April 12,
A.D. 1662.

At the beginning of this session, the parliament repealed an act passed in the last reign, "For disabling all persons in holy orders to exercise any temporal jurisdiction or authority."

To give some account of the proceedings of the convocation during the time the Act of Uniformity was going forward in parliament.

To begin : the bishop of London, as president, and the rest of the bishops, consulted touching a subscription to the three articles in the thirty-sixth canon ; and referred the drawing

not be thought, he would, from a pure principle of honour and honesty, quarrel with a parliament so favourable to him, for the sake of the Presbyterians, whom he neither did, nor had reason to love. There was nothing, therefore, but what might be expected from his complaisance, provided care was taken to supply him with money. Such a juncture was not to be neglected.

" 5. But there was another still more powerful cause of the parliament's severity against the Presbyterians : this was the interest of the Papists, who had ever a great influence during this reign. Some made an open profession of their religion, and yet were looked upon with a very favourable eye by the court. Others, after the king's example, pretended to be good Protestants, and zealous members of the Church of England, in order to be more serviceable to their party. The first used their utmost endeavours to incite the parliament to a severe treatment of the Presbyterians, in order to destroy a party which had so openly declared against the royal power. The others, concealing themselves under a false zeal for the Protestant religion, laboured with the same ardour to excite the enmity of the heads of the Church of England, and of those whom they knew to be most warm against men, who would not spare them, if ever they were in a condition to ruin them, as they had manifestly shown. But while they were thus zealously labouring to bring things to extremities, they were endeavouring, on the other hand, by their emissaries, to encourage the Presbyterians, and exhort them to the closest union, by insinuating it to be the most effectual means to defeat the measures of their enemies. They were told their number was so great, that, in all likelihood, it would deter the parliament from attempting the ruin of so many at once for fear of exciting new troubles. Whereas, if their party should divide, they would be insensibly and irrecoverably ruined. In short, to induce them the more easily not to despair, they were told, the king, provoked with the ill-treatment they received, notwithstanding his promise to them, would protect them openly if they would remain united ; but a division would put it out of his power to do them any service. It is certain the court was in this disposition, not from any pity to the Presbyterians, or regard to the king's honour, but from the hopes that the union amongst the Nonconformists would procure them more favourable conditions, of which the Papists might make an advantage. But when I say the court, I do not pretend to include the earl of Clarendon, though prime minister. This justice must be done him, to say, that not only he did not contribute to the designs of the king and the Papists, but was the man that broke their measures, by secret intrigues, well knowing what was concealed under this feigned moderation of the king to the Presbyterians. However, the king, the duke of York, and the other leading Papists, believed it necessary to push the Presbyterians, and then encourage them to hold together, that the danger arising from their union might prevail with the parliament to grant to all the Nonconformists in general, a toleration which should extend to the Papists. This is not a bare conjecture. All the king's proceedings demonstrate this was the scheme he had formed."

¹ Burnet, p. 194. Kennet.

up a form of subscription to a committee of bishops. It was likewise resolved by the upper house, that no ordination of clerks should be made by any bishop but only within the four Ember weeks solemnly appointed for that purpose; and that no bishop should ordain beyond the bounds of his own district, unless by letters dimissory first obtained from the lord archbishop of Canterbury. Three forms of prayer for the 5th of November, the 30th of January, and the 29th of May, were brought up into the upper house and unanimously approved; and the care of translating the Book of Common Prayer into Latin was committed to Dr. John Earl, dean of Westminster, and Dr. John Pearson. A few days forward, the president and bishops held a debate upon a message received from the house of commons touching "reverent and uniform gestures and demeanours at the time of divine service:" and here it was agreed by the majority that the constitution in the book of canons, made in the year 1603, and entitled "Of solemn reverence to be used in time of Divine Service," it was agreed, I say, this constitution should be laid before the house of commons, having been first considered by the lower house of convocation. After two days this constitution was brought up to the bishops from the lower house, with some amendments, to which their lordships agreed. And now, without making any farther progress, the convocation was prorogued by the king's writ to February the 19th, next ensuing.

CHARLES II.

April 26.

Id. p. 110.

May 10.

Id. p. 111
May 16.

In December following, his majesty set forth a declaration, in which, amongst other things, "he declared his resolution to maintain the Act of Uniformity; only he should dispense with some matters in it." And in his speech at the next session he concluded with a smooth intimation of some indulgence granted to Dissenters. The mention of this favour was couched in wary and gentle expressions, and which seemed almost to give up the dispensing power. His majesty's words are these: "that if the Dissenters would demean themselves peaceably and modestly, he could heartily wish he had such power of indulgence to use upon occasion."

The king's declaration for insinuating an indulgence to the Nonconformists.

The house of commons might probably suspect this toleration might comprehend more persuasions than they desired should be sheltered; and over and above they might be apprehensive the dispensing in this manner would carry the prerogative too far, press the constitution, and bear down upon

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property and civil right. In short, they resolved to present an address, importing "that it was the humble advice of their house that no indulgence be granted to Dissenters from the Act of Uniformity." They likewise ordered a committee "to collect and bring in the reasons of the house for this vote."

Feb. 16,
A. D. 1662-3,
Feb. 17.

The next day a report was made to the house from the committee by sir Heneage Finch, his majesty's solicitor-general; and after some amendments, the address was agreed, and presented by the speaker to his majesty at the banqueting-house at Whitehall. I shall insert only that part of their application in which their reasonings are mentioned.

The commons' remonstrance upon this head.

"We have considered," say they, "the nature of your majesty's declaration from Breda, and are humbly of opinion that your majesty ought not to be pressed with it any farther.

"Because it is not a promise in itself, but only a gracious declaration of your majesty's intentions, to do what in you lay, and what a parliament should advise your majesty to do; and no such advice was ever given, or thought fit to be offered; nor could it be otherwise understood, because there were laws of uniformity then in being, which could not be dispensed with but by act of parliament.

"That they who do pretend a right to that supposed promise, put the right into the hands of the representatives, whom they chose to serve for them in this parliament, who have passed, and your majesty consented to, the Act of Uniformity; if any shall presume to say, that a right to the benefit of this declaration doth still remain after this act passed.

"It tends to dissolve the very bonds of government, and to suppose a disability in your majesty and the houses of parliament, to make a law contrary to any part of your majesty's declaration, though both houses should advise your majesty to it.

"We have also considered the nature of the indulgence proposed, with reference to those consequences that must necessarily attend it.

"It will establish schism by a law, and make the whole government of the Church precarious, and the censures of it of no moment or consideration at all.

"It will no way become the gravity or wisdom of a parlia-

ment, to pass a law at one session for uniformity, and at the next session (the reasons of uniformity continuing still the same) to pass another law to frustrate or weaken the execution of it. CHARLES II.

“ It will expose your majesty to the restless importunity of every sect or opinion, and of every single person also, who shall presume to dissent from the Church of England.

“ It will be a cause of increasing sects and sectaries, whose numbers will weaken the true Protestant profession so far, that it will at least be difficult for it to defend itself against them : and, which is yet farther considerable, those numbers, which by being troublesome to the government, find they can arrive at an indulgence, will, as their numbers increase, be yet more troublesome, that so at length they may arrive at a general toleration, which your majesty hath declared against ; and in time some prevalent sect will at last contend for an establishment, which, for aught can be foreseen, may end in popery.

“ It is a thing altogether without precedent, and will take away all means of convicting recusants, and be inconsistent with the method and proceedings of the laws of England.

“ Lastly, it is humbly conceived, that the indulgence proposed will be so far from tending to the peace of the kingdom, that it is rather likely to occasion great disturbance. And on the contrary, that the asserting of the laws and religion established, according to the Act of Uniformity, is the most probable means to produce a settled peace and obedience throughout your kingdom : because the variety of professions in England, when openly indulged, doth directly distinguish men into parties, and withal gives them opportunity to count their numbers ; which, considering the animosities, that out of a religious pride will be kept on foot by the several factions, doth tend directly and inevitably to open disturbance.

“ Nor can your majesty have any security, that the doctrine or worship of the several factions, which are all governed by a several rule, shall be consistent with the peace of your kingdom.”

His majesty gave them hearty thanks for their address, acknowledged that never any king was so happy in a house of commons, as himself in this ; telling them withal, that their paper and reasons being long, he should take time to consider them, and send them a message.

JUXON,
Abp. Cant.

*The king
inclined to
make the
Dissenters
easy.*

By this answer, and his late declaration, we may collect, the king was unwilling to part with the toleration. Whether this unwillingness proceeded from good nature, or to make a return to some of the Nonconformists for promoting the Restoration; or because he thought the public tranquillity might be better preserved by such usage: which of these motives, or whether all of them affected his majesty, cannot certainly be determined: but it is pretty plain, he was not a little desirous the indulgence should have passed, and that the non-complying divines should have been gently treated, and suffered to live at their ease¹.

The next remarkable occurrence was the providing a better maintenance for the clergy. The appropriations of rectories made by the popes to religious houses; the secular views of some great persons of the temporality at the Reformation, continuing the alienation of the great tithes, and settling them upon the laity; and farther depredations being afterwards made upon the patrimony of the Church;—this unfortunate conduct had reduced many of the parochial clergy to a lamentable condition. In many towns the whole profits were appropriated, and only a slender stipend allowed to the person officiating. In many others a vicarage was settled, but so meanly endowed, that a vicar, though without the charge of a family, could not tolerably subsist upon it. This mismanagement of the consecrated revenues has been the calamity and scandal of the nation. For without a competent settlement for the parochial clergy, it was reasonably concluded the Church of England could never be happily established. And in regard many of the inappropriate rectories were annexed to sees, to cathedral and collegiate bodies, and other ecclesiastical dignities, it was thought proper the precedent for restitution should be set by the bishops and clergy: the ecclesiastics being, at that juncture, particularly furnished for augmenting slender livings, upon the score of the considerable fines lately received by them. For this purpose a bill was depending in parliament for laying down rules and proportions to be observed in the augmentation of poor vicarages, and other cures not competently endowed. But the disadvantages arising from the

¹ Charles II. had been well initiated in the syncretic policy of Grotius, he was also a man of the world, and illustrated the text, that "the children of this world are wiser in their generation than the children of light."

passing such a bill being foreseen, or at least suspected, it was thought more advisable to refer the matter to the king's instructions. Pursuant to this suggestion, his majesty directed his letters to the archbishops, bishops, deans, and chapters, "That forthwith provision be made for the augmentation of all such vicarages and cures where the tithes and profits are appropriated to them and their successors, in such manner, that they who immediately attend upon the performance of ministerial offices in every parish, may have a competent portion out of every rectory impropriate," &c.

CHARLES
II.

*The king's
instructions
for aug-
menting poor
vicarages,
&c.*

These letters were readily complied with, and very considerable augmentations made in most of the parishes appropriated to ecclesiastical corporations: but lay impropriators stuck too close to the point of interest, and refused to be governed by his majesty's direction. It is true, many of the house of commons seemed well disposed to a remedy for this evil, and several resolves were made to this purpose; but these pious advances came to nothing. The miscarriage is supposed to have happened, either by the members being diverted and called off by the king's pressing for supplies, by the covetousness of impropriators, or by the disaffection of some lay patrons, who envied the clergy a better supported and independent condition.

*They are
answered by
the clergy-
impropria-
tors.*

891.

In January last, Sanderson, bishop of Lincoln, departed this life. He was youngest son of Robert Sanderson, of Giltwait-hall, esq., in Yorkshire, by Elizabeth, daughter of Richard Carr, gent., of Rutherwait-hall, in Ecclesfield, in the same county. He was educated at Lincoln college, Oxford, where he was regius professor of divinity. In the year 1647 he was principally concerned in drawing up the university's reasons against the covenant and negative oath formerly mentioned. The next year he was turned out of his professorship and canonry of Christchurch, by the parliament visitors. After this he retired to Boothby Pannel, in Lincolnshire, where he was plundered and imprisoned. In his younger time he was inclined to Calvinism: but having argued the quinquarticular controversy with Dr. Hammond, he came off from Calvin and Twiss, and disliked both the supra and sublapsarian schemes. Soon after the Restoration he was promoted to the see of Lincoln, and assisted at the conference of the Savoy, but did not engage much in that debate. He was a prelate of considerable

*Bishop San-
derson's
death.
Jan. 29,
A.D. 1662-3.*

SHEL-
DON,
Abp. Cant.

learning: the talent which distinguished him most was the resolution of cases of conscience, in which he was particularly eminent. His principal works are, “De Juramenti Obligatione Prælectiones Septem;” “De Obligatione Conscientiæ Prælectiones Decem.” Nine Cases of Conscience in English, and a volume of Sermons in folio.

Walton's
Life of
Bishop San-
derson.
Athen.
Oxon.
*The death of
archbishop
Juxon.*

The next summer, in June, William Juxon, archbishop of Canterbury, died in his palace at Lambeth, and was buried in the chapel of St. John's college, Oxford, to which he was a considerable benefactor. He received his education in this society, and was some time afterwards student in Gray's-inn. In the late reign he was first preferred to the bishopric of Hereford, next to that of London, and upon the Restoration was translated to the see of Canterbury: but part of his character being touched already, I shall add nothing farther. Upon his death, Gilbert Sheldon, bishop of London, was made his successor, and Humphry Henchman, bishop of Sarum, removed to London.

*And of pri-
mate Bram-
hall.*

About this time, John Bramhall, archbishop of Armagh, departed this life. He was a gentleman of an ancient family, descended from the Bramhalls of Bramhall-hall, in Cheshire. He was educated in Cambridge, where he commenced doctor of divinity. Being beneficed in Yorkshire, he engaged a Jesuit in a conference about transubstantiation, and had the advantage in the dispute. Upon this he was made chaplain to Mathews, archbishop of York. and not long after prebendary of York and Ripon. In 1633 he resigned his preferments in England, and settled in Ireland: where, by the recommendation of the lord deputy Strafford, he was made bishop of Derry. At his coming to Ireland he found the revenues of the Church miserably wasted, and procured several acts of parliament for securing the ecclesiastical revenue; and, not stopping at the preventing future encroachment, he regained the rights of the Church by argument, law, and purchase; got fee farms surrendered, and recovered between thirty and forty thousand pounds per annum in four years time. To conclude: at the Restoration he was made archbishop of Armagh, and speaker of the house of lords in the parliament at Dublin. To take leave of his memory, he was very considerable in the argumentative part of learning, a great controversial divine, a good governor and statesman, and furnished with courage

suitable to his character and principles. He was far from being straitlaced in his notions, and uncharitable in his censures; being famous for his distinction between articles of peace and articles of faith.

To proceed. Several of the Nonconformist divines, though they believed the terms for ministerial conformity impracticable, yet made no scruple in joining in lay communion with the established Church. Thus, after the exercise of their ministry, they usually came to their parish church at Divine service, and were sometimes communicated there. And this is supposed to have been the rise of occasional conformity.

CHARLES II.
Archbishop
Bramhall's
Life before
his Works,
in folio.
*Some of the
Presbyterian
ministers
communicate
with the
national
Church.*

Complete
Hist. of
England,
vol. 3.

July 27,
1663.
*A further
account of
the convoca-
tion.*

Synod.
Anglican.
in Append.
p. 124, 125.

The Church being now brought forward to so good a settlement, the convocation acquiesced, and moved little further. This session ended with the prorogation of the parliament for the summer. From this time, till the dissolution of the parliament in the year 1678, the clergy met mostly for form sake. As for synodical business, there was little done, excepting three things of no great importance. This small business was a committee appointed to inspect a new grammar, May the 4th, 1664; an order about a Latin Prayer-book, May the 18th; and a petition, October 11, 1667, agreed to be presented to the king, on behalf of Dr. Duport, to have the sole liberty of printing his Greek translation of the Psalms for seven years. And thus the reader can expect nothing farther from the convocation.

Upon the 18th of June, a third session of the first parliament began at Edinburgh. The preamble of the first act sets forth, "that it was his majesty's express pleasure, that, in the constitution of parliaments, and choosing lords of the articles at this session, and in all time coming, the same form and order should be kept which had been used before these late troubles, especially in the parliament holden in the year 1633; and the manner of election of lords of the articles being now seen and considered by the estates of parliament, they did in all duty humbly acquiesce in his majesty's pleasure; and, in prosecution thereof, the clergy retired to the exchequer-chamber, and the nobility to the inner house of the session, the barons and burgesses keeping their places in the parliament-house. The clergy made choice of eight noblemen to be on the articles; and the nobility made choice of eight bishops." Both these divisions are named. This being done, to speak in

*Acts relating
to the Church
made in the
parliament
at Edin-
burgh.*

SHEL-
DON,
Abp. Cant.

892.

the language and order of the act, "the clergy and nobility met together in the inner exchequer-house; and, having shown their elections to each other, they jointly made choice of eight barons and eight commissioners of boroughs, who were likewise named. After this, they represented the whole election to his majesty's commissioner, the earl of Rothes, who, being satisfied therewith, did then with the clergy and nobility return to the parliament-house, where the list of eight bishops, eight noblemen, eight barons, and eight burgesses being read, it was approved. To this list his majesty's commissioner added the officers of state, and appointed the lord chancellor to be president in the meetings of the lords of the articles."

Charles 2.
parl. 1.
sess. 3.
cap. 1.

I shall give the reader part of one act more passed this session, relating to the establishment and constitution of a national synod. By this statute it is enacted, there shall be a national synod of the Church of Scotland: "and that this synod for the lawful members thereof shall consist and be constitute of the archbishops of St. Andrew's and Glasgow, and the remanent bishops of these two provinces, of all deans of cathedral churches, of archdeacons, of all the moderators of meetings for exercise allowed by the bishops of the respective dioceses, and of one presbyter or minister of each meeting to be elected by the moderator and plurality of presbyters of the same, and of one or two from the university of St. Andrew's, one from Glasgow, one from the King's-college, one from Marshall's-college of Aberdeen, and one from the college of Edinburgh. And this synod, thus constitute, is to meet at such places and times as his majesty by his proclamation shall appoint, and is to debate, treat, consider, consult, conclude, and determine upon such pious matters, causes, and things concerning the doctrine, worship, discipline, and government of this Church, as his majesty shall from time to time, under his royal hand, deliver or cause to be delivered to the archbishop of St. Andrew's, president of the said national assembly, to be by him offered to their consideration. It is likewise declared, that, unless his majesty or his commissioner is present, no national assembly can be kept. It is farther enacted, that no act, canon, order, or ordinance, shall be owned as an act of the national synod of the Church of Scotland, excepting that which shall be considered, consulted, and agreed upon by the president and major part of the members above specified."

Id. cap. 5.
1664.

I am now to remark an extraordinary change in the manner of taxing the clergy. Soon after the planting of Christianity in England, the Church, as has been observed, was largely endowed, and the estates of the clergy covered in some measure from the common burthens. It is true, in the Saxon reigns they were charged with contributing towards pontage, murage, and expedition; and the Conqueror afterwards put the bishops and religious houses under knight's service. This, notwithstanding the credit of the tenure, was reckoned a great oppression. However, this imposition affected but a few of the rectories, or other ecclesiastical endowments of lesser value. No small part of the clergy being therefore exempt from public charges, farther projects for making them more serviceable to the government were set on foot. Sometimes the popes taxed the Church for the king's use; and sometimes, upon an extraordinary emergency, the bishops were prevailed with to enjoin their clergy the granting a subsidy to the king, by way of benevolence; and, that their property might not be encumbered, they had letters of security from the crown to prevent this aid being drawn into a precedent against them. These contributions to the public were commonly made at diocesan synods; and here, either their bishops, their archdeacons, or other proctors of their own choosing, were empowered for this purpose. Thus the matter rested, till the reign of king Edward I. This prince, after some other experiments, fixed at last upon an establishment which has in some measure been ever since continued. His method was this: having issued out his customary writs for the bishops to come to the parliament, he inserted a new clause in the writs directed to these prelates, which, from the first word, is called the "præmunientes" clause. It runs thus: the bishop is required "to give notice to the prior or dean and chapter of his cathedral church, to the archdeacons and all the clergy of his diocese, that they, the said prior or dean, and archdeacons, in their proper persons, the chapter by one, and the clergy by two well qualified proxies sufficiently empowered by the said chapter and clergy, should by all means be present at the parliament with him, to do and consent to those things which, by the blessing of God, shall by their common advice happen to be ordained in the affairs specified: and the executing this command he was by no means to omit." The design of this new assembly was

CHARLES
II.
*The clergy
give way
to be taxed
by the com-
mons in par-
liament.*

Matthew
Paris.

Pryn's
Register,
part I.

SHEL-
DON,
Abp. Cant.

to transact matters of civil right, and grant aids to the crown, in the name of the whole body of the clergy.

Whether the inferior clergy sat in the same house with the commons, how long they appeared in this civil capacity and acted as members of parliament, and whether this custom was discontinued in the reign of king Henry VI., I shall not inquire. But, let that be as it will, it is certain the *præmunientes* clause inserted in the bishop's writ was kept on and executed, and the clergy gave subsidies for their own body as before. The proportion which every one was to pay was assessed by ecclesiastical commissioners, and the money levied by methods of their own appointment. In case of non-payment, the censures of the Church were exerted; and, if the sheriff proved negligent in executing the writ *de excommunicato capiendo*, the bishops had prisons in their respective dioceses, to mortify those who proved refractory. Besides, we may reasonably conclude, it was within the jurisdiction of the diocesans to sequester the profits of those incumbents who refused to comply with the assessment. These aids, from the reign of king Henry VIII. downwards, are generally confirmed by act of parliament; and therefore, from this time, I suppose the property of the clergy came under the compulsion of the laws, and the money might be levied by way of distress. The provincial convocation of the clergy is to be considered under a capacity distinct from that above-mentioned, and met only for transacting Church business. This assembly was sometimes convened by the archbishop's mandate, without any authority from the king. Of this we have an instance as late as archbishop Warham, about the beginning of the reign of king Henry VIII. However, these two different conventions grew by degrees, as it were, into one body: the provincial writs and the *præmunientes* clause generally bringing the clergy together at the same time. And, to return more directly to the matter in hand, it has all along been the custom for the English clergy to tax themselves. The rebellion in the reign of king Charles I., and the following usurpations, were the first that broke in upon this privilege: for now the Dissenting ministers, either out of voluntary compliance, affectation of popularity, or because they wanted proxies to represent their body, had their benefices taxed with the laity, in the pretended parliaments. But when the king

Regist.
Brev. Epist.
&c. temp.
Jo. Park-
hurst. An.
1572. Re-
gist. Capit.
Litch. An.
1620.
Lincoln.
Lib. Act.
Capit. Not.
20. fol. 204.
ad An. 1640.
Bishop
Wake's
State of the
Church, &c.

Regist.
Fitzjames.

893.

returned, this ancient right of the Church was restored with CHARLES II. him; and thus the matter continued for three years. For instance, in the fifteenth year of this prince's reign, the clergy's grant of four subsidies was confirmed by act of parliament. But now, as it happened, some of the bishops and clergy fell into sentiments much different from those of their predecessors. They began to think this customary method of taxing themselves somewhat burthensome: they thought, it is possible, the expectations of the court might be set too high upon them this way; and that the commons were often discontented, unless they overcharged themselves, and swelled their subsidies beyond a reasonable proportion. How well these jealousies were founded, I shall not examine; but, it is supposed, the being apprehensive of such inconveniences brought archbishop Sheldon and some other leading prelates into a concert with the lord-chancellor Hyde, the lord-treasurer, and some others of the ministry. And now, at a consultation, it was concluded the clergy should silently waive the custom of taxing their own body, and suffer themselves to be included in the money-bills prepared by the commons; and, to encourage their assent to this cession, two of their four subsidies were to be remitted; and, over and above, they had the promise of a clause for saving their ancient rights. This security was accordingly given, and a very clear comprehensive proviso inserted in the statute for this purpose. The act stands thus:—

——— “ Provided always, and be it enacted by the authority aforesaid, that all spiritual promotions, and all lands, possessions, or revenues, annexed to, and all goods and chattels growing, or renewed upon the same or elsewhere, appertaining to the owners of the said spiritual promotions, or any of them, which are or shall be charged, or made contributory by this act towards the payments aforesaid, during the time therein appointed (which was to be raised, levied, and paid in the space of three years) shall be absolutely freed and discharged from the two last of the four subsidies granted by the clergy to his majesty, his heirs and successors, by an act made in a former session of this present parliament, entitled, ‘ An Act for confirming of four Subsidies granted by the Clergy,’ any clause or thing in the said act to the contrary

16 & 17
Charles 2.
cap. 1.
Rot. Parl.
*A full and
express
clause for
reserving
their ancient
right.*

SHEL-
DON,
Abp. Cant.

notwithstanding. ——— Provided always, that nothing herein contained, shall be drawn into example to the prejudice of the ancient rights belonging unto the lords spiritual and temporal, or clergy, of this realm, or unto either of the said universities, or unto any colleges, schools, alms-houses, hospitals, or cinque-ports."

That the clergy were gainers by this change, is more than appears; were they allowed to elect some of their function to represent them in the house of commons, the quitting their ancient right would be more intelligible. But such a choice will not pass the committee of elections. The consenting therefore to be taxed by the temporal commons, makes the clergy more dependent on a foreign body, takes away the right of disposing of their own money, and lays their estates in some measure at discretion. And being in no condition to give subsidies, and present the crown, it is well if their convocation meetings are not sometimes discontinued, if they do not sink in their significancy, lie by for want of a royal license, and grow less regarded when their grievances are offered. And here I cannot forbear saying, their having the liberty of polling for parliament men, seems short of an equivalent for the privileges resigned. However, the reader may see there is an express clause in the act for reserving their right, and returning them to their former circumstances.

But if this should be insisted on, it is a great question, in the opinion of a late historian, whether the house of commons would allow the saving clause mentioned. Does this learned writer then suppose this extraordinary usage would be the consequence of such a claim? He grants the clause for reserving the right to tax themselves is sufficiently plain and explicit. Can he then imagine those gentlemen who represent the commons, would strain the statute, and deny the subject the benefit of the constitution? Or are the clergy the only people that must claim no advantage from the laws? Must they fare the worse on the score of their character, and suffer for their commission from Christ Jesus? Does not such a supposition sound harshly, and imply somewhat of reflection on a Christian legislature?

To proceed. The behaviour of the Nonconformists grew more unacceptable to the government. It cannot be denied,

there was some umbrage given for jealousy and caution. Some fanatics took service under the Dutch, against their own prince and country: for which they were attainted in the Oxford parliament; and even some of the moderate Dissenters discovered a disinclination to a war with Holland. Farther, the Conventiclers in Scotland appeared bold and mutinous, and were supposed to correspond with some of that party in England. Now, to be better informed of the numbers and strength of these dissenting and disaffected people, orders were sent from the archbishop of Canterbury to the suffragans of his province, "requiring them punctually to observe all the canons and rules concerning ordination, and that for the future they yearly certify the names of all ordained by them, and that they forthwith make a return of the names and degrees of all the beneficed clergy, and of lecturers, schoolmasters, ushers, and practitioners of physic, as likewise of all ejected Nonconformist ministers, with their place of abode and manner of life." The returns of the several bishops are still remaining in Lambeth library.

CHARLES II.
July 5,
A.D. 1665.

The Oxford parliament being apprehensive of danger from the Dissenters, passed an act, "That no parsons, vicars, curates, lecturers, and other persons in holy orders, or pretended holy orders, should come within five miles of any city or town corporate, or borough, that sends burgesses to parliament, or within five miles of any parish town, or place, wherein he or they have, since the act of oblivion, been parson, curate, stipendiary, or lecturer, or taken upon them to preach in any unlawful assembly, conventicle, or meeting, unless they take and subscribe the oath following:—

894.
*The Oxford
act against
conventicles.*

" 'I, A. B., do swear that it is not lawful upon any pretence whatsoever to take arms against the king: and that I do abhor that traitorous position, of taking arms by his authority against his person, or against those that are commissioned by him in pursuance of such commissions; and that I will not at any time endeavour any alteration of government either in Church or State.' "

It is farther provided, that those who were restrained from coming to any city, town corporate, &c. as aforesaid, or any other person who shall refuse to take the oath abovementioned,

SHEL-
DON,
Abp. Cant.

17 Charles 2.
cap. 2.

*An act for
the union of
Churches in
cities. &c.*

and not frequent Divine service at Church, shall not be allowed to teach any public or private school, or take any boarders. The penalty of contravening this proviso, and the former part of the statute, is forty pounds, and six months imprisonment, unless they take the said oath before their commitment.

Another act passed this session, for uniting Churches in cities and towns corporate. I shall insert the preamble, which begins thus:—"Forasmuch as the settled provision for ministers in most towns corporate within this realm, is not sufficient for the maintenance of able ministers fit for such places, whereby mean and stipendiary preachers are entertained to serve the cures there; who wholly depending upon the goodwill and liking of their auditors, have been, and are hereby under temptation of too much complying, and suiting their doctrine, and teaching to the humour, rather than the good of their auditors; which has been a great occasion of faction and schism, and of the contempt of the ministry: the lords and commons in parliament assembled, being deeply sensible of the evil consequences thereof, and piously desiring able ministers in such places, and a competent maintenance for them in the union of Churches; which is also become necessary by reason of the great ruin of many Churches and parishes in the late ill times, and otherwise. It is therefore enacted," &c.

By this statute, no union was to be good where the settled maintenance exceeded an hundred pounds per annum clear. It is likewise farther enacted, that all proprietors of tithes, or owners of impropriations, may lawfully convey, annex, and unite the said tithes, or any part of them, to any parish or chapelry, within the kingdom of England or dominion of Wales, where such tithes shall lie. They are likewise enabled to settle the same in trust for the benefit of the said parsonage or vicarage, or of the curate, where the parsonage is impropriated, and no vicar endowed: and this settlement they are allowed to make without any licence of mortmain. And, lastly, it is "lawful for the parsons, vicars, and incumbents, to take, receive, and purchase to themselves and successors, lands, tenements, rents, tithes, or other hereditaments, without any licence of mortmain."

17 Charles 2.
cap. 3.

When the king recovered his dominions, the hierarchy of Ireland revived to their former condition. To give the Church

and crown a firmer establishment in that kingdom, the Act for CHARLES II. Uniformity passed this year. The preamble of this statute, being somewhat remarkable, shall be transcribed. It stands thus:—

“ Whereas nothing conduceth more to the honour of God, The substance of the English Act of Uniformity passed in the parliament at Dublin. the settling the peace of a nation, which is desired of all good men, or to the advancement of religion, than an universal agreement in the public worship of Almighty God; and to the intent that we his majesty’s subjects of this his kingdom of Ireland may in this Church of Ireland hold the same conformity of common prayers and administration of the sacraments, and other the rites and ceremonies of the Church, according to the use of the Church of England, together with the Psalter or Psalms of David, pointed as they are to be sung or said in churches, and the form or manner of making, ordaining, or consecrating of bishops, priests, and deacons, which was recommended unto both houses of convocation here assembled in Ireland; to consider whether the same form of public worship might not be profitably received as the public form of divine service in this your majesty’s kingdom of Ireland.

“ Whereupon both houses of convocation did diligently consider the same, and after mature consideration, well weighing the great advantages that must necessarily arise unto the whole kingdom from the uniformity of public prayers, did fully approve and allow the same.”

The substance of the act, being the same with that passed in England in the fourteenth year of this reign, shall be omitted.

The same session, an act passed in the parliament at Dublin, for disabling spiritual persons from holding bishoprics, benefices, or ecclesiastical dignities, in England and Ireland at the same time.

Irish Acts,
17 & 18
Charles 2.
cap. 6.

Mr. Calamy, in his “Abridgment of Baxter’s Life,” reports, that the lord-keeper Bridgman desired to discourse with Dr. Manton and Baxter upon the subject of a “comprehension and toleration.” At their waiting upon him, it was agreed to go first upon the business of comprehension. Dr. Wilkins and one Mr. Burton were consulted upon this occasion. The point

17 & 18
Charles 2.
cap. 10.

SHEL-
DON,
Abp. Cant.
A. D. 1668.

of re-ordination stuck most between them. At last, sir Matthew Hale suggested a temper to adjust the difference. The expedient was, that those Nonconformists who had been ordained before should be admitted into the ministry of the Church of England with this form :—

*An essay to
accommo-
date the dif-
ference be-
tween the
Noncon-
formists of
England.*
895.

“Take thou legal authority to preach the Word of God and administer the holy sacraments, in any congregation of England where thou shalt be lawfully appointed thereunto.”

It was likewise agreed, that ceremonies should be left indifferent, the liturgy altered, and that those who could not be comprehended should be indulged: and, for security to the government, the names of the teachers and all the members of the congregation were to be registered. A bill was accordingly drawn by the chief-justice Hales against the ensuing parliament; but, when the houses sat, the episcopal party crushed the design, and carried a vote against bringing in a bill of this nature.

*It miscar-
ries.*

Calamy's
Life of
Baxter.

In September, the next year, the Dissenters were informed that a public acknowledgment of the clemency of his majesty's government, and the liberty enjoyed under it, would be an acceptable application. Upon this, an address was presented by Dr. Manton, Dr. Bates, Dr. Jacomb, and Mr. Inness. The king received them graciously, in the earl of Arlington's apartments, and promised to do his utmost to get them comprehended within the public establishment.

A. D. 1669.

Id. p. 589.

This year, at the parliament at Edinburgh, the Assertory Act of the king's spiritual supremacy was made. It is penned in strong comprehensive language. The words are these :—

*The As-
sertory Act
of the par-
liament at
Edinburgh.*
Nov. 1669.

“His majesty, with advice and consent of his estates of parliament, doth hereby enact, assert, and declare, that his majesty hath the supreme authority and supremacy over all persons, and in all causes ecclesiastical, within his kingdom; and that, by virtue thereof, the ordering and disposal of the external government and policy of the Church doth properly belong to his majesty and his successors, as an inherent right to the crown; and that his majesty and his successors may settle, enact, and emit such constitutions, acts, and orders, concerning the administration of the external government of

the Church and the persons employed in the same, and concerning all ecclesiastical meetings and matters to be proposed and determined therein, as they in their royal wisdom shall think fit."

CHARLES
II.

Charles 2.
parl. 2.
cap. 1.

By virtue of this act,—whether strained or not I shall not examine,—Burnet, archbishop of Glasgow, was dispossessed of his see, and Dr. Leighton put in his place. This remove was made by the high-commissioner Lauderdale. However, the court, being sensible this was pushing the regale to an unusual extent, gave Leighton only the title of "commendator of Glasgow," till archbishop Burnet was prevailed with to sign a resignation. But this being looked on as an involuntary cession, the Scottish bishops were shocked at it. The archbishop of Canterbury likewise, and the English prelates, thought the common interest of their order affected, and that the episcopal authority was struck at in the Glasgow precedent.

*The arch-
bishop of
Glasgow
turned out
by this act,
and restored.*

In short, they solicited so heartily in the cause, and represented the business in so persuasive a manner to the king, that his majesty revoked his proceedings, and archbishop Burnet was restored.

The next session an act passed against "Invaders of Ministers," as the title runs. And here it is enacted and declared, "That whatsoever person or persons should be found guilty of the assaulting of the lives of the ministers, or robbing their houses, or actually attempting the same, shall be punished with the pain of death, and the confiscation of their goods." How well this act has been since regarded, the period of my history will not give me leave to inquire.

*An act
against
those who
assaulted the
clergy.*
Charles 2.
parl. 2.
sess. 2.
cap. 4.

To return to England. In the parliament at Westminster, an act passed "for preventing and suppressing Seditious Conventicles." By this statute, "if any person upwards of sixteen should be present at any assembly, conventicle, or meeting, under colour or pretence of any exercise of religion, in any other manner than according to the liturgy and practice of the Church of England, where there were five persons or more besides those of the said household; or if they met in the fields, where there were five persons met for the purposes above-mentioned; in such cases the offenders were to be fined five shillings for the first offence, and ten shillings for the second.

A. D. 1670.

*An act for
suppressing
seditious
conventicles.*

SHEL-
DON,
Apb. Cant.

22 Charles 2.
cap. 1.

*Promotions
in the
Church.*

A. D. 1671.

And the preachers and teachers in any such meetings were to forfeit twenty pounds for the first, and forty for the second offence. And lastly, those who knowingly suffered any such conventicle in their houses, barns, yards, &c. were to forfeit twenty pounds."

To say something concerning promotions in the Church: the honourable Nathanael Crew, son to the lord Crew, and clerk of the closet to his majesty, bishop elect of Oxon; and Dr. Thomas Wood, late dean of Lichfield, bishop elect of Coventry and Lichfield, were on Sunday, July the second, solemnly consecrated in the chapel at Lambeth, by the lord archbishop of Canterbury, assisted by the bishops of London, Ely, Lincoln, Worcester, and Rochester. On Sunday, October 1, Dr. Henry Bridgeman, dean of Chester, was, in the cathedral of that city, elected bishop of Man, by the bishop of Chester, deputed for that purpose by Stern, archbishop of York; the bishops of St. Asaph, Bangor, and Clogher, assisting at the solemnity.

On February the 12th following, John Cosens, lord bishop of Durham, remarkably eminent for his loyalty and learning, departed this life. Besides his "Devotions," already mentioned, he wrote a "Scholastical History of the Canon of the Scriptures." This tract, written at Paris, is a very learned and solid justification of the Church of England, as to this branch of the controversy; the extending the canon by the council of Trent, being sufficiently disproved from the Fathers and Catholic tradition. After the see of Durham had been kept vacant for some time, Crew, lord bishop of Oxon, was translated thither.

When the war broke out a second time between England and Holland, the king, who seemed inclined to favour the Dissenters, thought this a proper juncture to quiet the minds of his subjects, and set them at ease in matters of religion. To this purpose, by the advice of his privy council, he published the declaration following:—

*The king's
declaration
for an in-
dulgence.*

" CHARLES REX,

— " Our care and endeavours for the preservation of the rights and interest of the Church, have been sufficiently manifested to the world by the whole course of our government since our happy restoration, and by the many and frequent

ways of coercion that we have used for reducing all erring or dissenting persons, and for composing the unhappy differences in matters of religion, which we found among our subjects upon our return; but it being evident, by the sad experience of twelve years, that there is very little fruit of all those forcible courses, we think ourself obliged to make use of that supreme power in ecclesiastical matters, which is not only inherent in us, but hath been declared and recognized to be so by several statutes and acts of parliament: and therefore we do now accordingly issue this our declaration, as well for the quieting the minds of our good subjects in these points, for inviting strangers in this conjuncture to come and live under us, and for the better encouragement of all to the cheerful following of their trade and callings, from whence we hope, by the blessing of God, to have many good and happy advantages to our government; as also for preventing, for the future, the danger that might otherwise arise from private meetings and seditious conventicles.

896.

“ And, in the first place, we declare our express resolution, meaning, and intention, to be, that the Church of England be preserved, and remain entire in its doctrine, discipline, and government, as now it stands established by law; and that this be taken to be, as it is, the basis, rule, and standard, of the general and public worship of God, and that the orthodox conformable clergy do receive and enjoy the revenues belonging thereunto; and that no person, though of a different opinion and persuasion, shall be exempt from paying his tithes, and other dues whatsoever. And farther we declare, that no person shall be capable of holding any benefice, living, or ecclesiastical dignity, or preferment of any kind, in this our kingdom of England, who is not exactly conformable.

“ We do, in the next place, declare our will and pleasure to be, that the execution of all and all manner of penal laws in matters ecclesiastical, against whatsoever sort of Nonconformists, or Recusants, be immediately suspended; and they are hereby suspended. And all judges, judges of assize, and gaol delivery, sheriffs, justices of the peace, mayors, bailiffs, and other officers whatsoever, whether ecclesiastical or civil, are to take notice of it, and pay due obedience thereunto.

“ And that there may be no pretence for any of our subjects to continue their illegal meetings and conventicles, we do

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II.

SHEL-
DON,
Abp. Cant.

declare, that we shall from time to time allow a sufficient number of places, as they shall be desired, in all parts of this our kingdom, for the use of such as do not conform to the Church of England, to meet and assemble in, in order to their public worship and devotion; which places shall be open and free to all persons.

“But to prevent such disorders and inconveniences as may happen by this our indulgence, if not duly regulated, and that they may be the better protected by the civil magistrate, our express will and pleasure is, that none of our subjects do presume to meet in any place until such places be allowed, and the teacher of that congregation be approved by us.

“And lest any should apprehend, that this restriction should make our said allowance and approbation difficult to be obtained, we do farther declare, that this our indulgence, as to the allowance of the public places of worship, and approbation of the preachers, shall extend to all sorts of Nonconformists and Recusants, except the Recusants of the Roman Catholic religion, to whom we shall in no wise allow public places of worship, but only indulge them their share in the common exemption from the execution of the penal laws, and the exercise of their worship in their private houses only.

March 15,
1671-2.

“And if, after this our clemency and indulgence, any of our subjects shall presume to abuse this liberty, and shall preach seditiously, or to the derogation of the doctrine, discipline, or government of the established Church, or shall meet in places not allowed by us; we do hereby give them warning, and declare, we will proceed against them with all imaginable severity: and we will let them see, we can be as severe to punish such offenders, when so justly provoked, as we are indulgent to truly tender consciences.

“Given at our court at Whitehall, this 15th day of March, in the four-and-twentieth year of our reign.

Feb. 4,
1672-3.

The next session of parliament, the king, in his speech to both houses, acquainted them, he had granted an indulgence, and was resolved to stand by it. The lord chancellor Shaftsbury dilated upon what his majesty had delivered. It was in this speech that he applied that remarkable sentence, “*Delenda*

est Carthago," to the Hollanders : and endeavoured to prove a competition for interest and trade, between England and the united provinces : and that the Dutch would always be enemies to his majesty's kingdoms, upon this principle. CHARLES II.

The commons being apprehensive the dispensing power might make the scale too heavy on the crown side, remonstrated against it: and in their address acquainted his majesty, that "considering his declaration of indulgence, they found themselves bound in duty to inform him, that penal statutes in matters ecclesiastical, cannot be suspended but by act of parliament." The king in his answer endeavoured to prevail with them to solicit no farther, but drop the motion. But the house not being satisfied with what his majesty had offered, repeated their application, and argued against the legality of dispensing to such compass and latitude. In short, they pressed the complaint with so much vigour, that his majesty found himself obliged to comply : and thus the indulgence was recalled, and taken off the file. *The commons remonstrating against it, it is recalled.*

Soon after this address, the commons resolved, "nemine contradicente," that "a bill be brought in for the ease of his majesty's subjects, who are Dissenters in matters of religion from the Church of England." This bill passed the lower house, but was thrown out by the lords. Feb. 14.

To go back a little to the parliament at Edinburgh ; where an act passed against unlawful ordinations. The statute ordains, "That no person or persons whatsoever presume to appoint or ordain any person to the office and work of the ministry, except those who have authority approved by the laws of the kingdom for that effect ; and that no person take ordination from any but such as are thus lawfully authorized to give the same : declaring hereby all pretended ordinations of any persons since the year 1661, which have not been, or hereafter shall not be according to the appointment of the law, to be null and invalid." By the way, the reader may observe, John duke of Lauderdale was high commissioner of Scotland during the first, second, third and fourth sessions of this second parliament. *A Scotch act of parliament against unlawful ordinations.*
897.

Another statute in this session sets forth, "that upon the 13th of August, 1670, an act had been made against conventicles : and that upon the 20th of the said month, in the year aforesaid, another act passed against separation, and

SHEL-
DON,
Abp. Cant.

withdrawing from the public meetings for divine worship." These acts being only temporary provisions for three years, (excepting his majesty should think fit to prolong the term,) "they are now continued three years forward, and as much longer as his majesty shall please to appoint." It is likewise farther enacted, "that no outed minister, not licensed by his majesty's council, nor other person not authorized nor tolerated by the bishop of the diocese, presume to preach, expound Scripture, or pray in any meeting, excepting in their own houses, and to those of their own family:" but in the next clause the statute is explained to a sense of relaxation, and gives leave for four persons to be present besides those of the family.

Charles 2.
parl. 2.
sess. 3.
cap. 17.
The sacramental test enacted.

At Westminster, this session of parliament, the sacramental test was enacted; it is entitled, "An Act to prevent dangers which may happen from Popish Recusants." By this statute all persons in office, civil or military, are obliged to take the oaths of allegiance and supremacy, and to receive the sacrament of the Lord's supper, according to the usage of the Church of England, in some parish church, upon some Lord's-day. Such persons are likewise required to subscribe the following declaration:—

"I, A. B., do declare that I do believe that there is not any transubstantiation in the sacrament of the Lord's supper, or in the elements of bread and wine, at or after the consecration thereof by any person whatsoever."

A.D. 1673.

The forfeiture of breaking through the act, besides a disability of prosecuting any suit, or acting in the capacity of other subjects in several respects, is 500*l*. There are, however, some saving provisos which need not be mentioned.

25 Charles 2.
cap. 2.

Upon the passing this act, the duke of York, who was high admiral of England, and the lord-treasurer Clifford, laid down their places. This year a reconciling motion between the Church and Nonconformists was suggested by the earl of Orrery, who desired Baxter to draw up the terms. Baxter gave in proposals for this purpose, which being much the same with those offered by the Presbyterians at the Savoy conference, need not be repeated. The earl of Orrery, some time after his receiving Baxter's proposals, returned them with Bishop Morley's animadversions. In short, both sides keeping at the usual distance, the business came to nothing.

Calamy's
Life of Bax-
ter, p. 600.

When the next session of parliament drew near, bishop Morley and bishop Ward are reported inclined to abatements, and taking the Nonconformists by the hand. Upon this encouragement it is probable Dr. Tillotson and Dr. Stillingfleet desired a meeting with Dr. Manton, and Dr. Bates with Pool and Baxter, in order to adjust an accommodation : and it was pretended there were several lords spiritual and temporal in the same sentiment. Baxter is said to have met only Tillotson and Stillingfleet at first. And here, after several schemes disliked, they fixed upon one they agreed to. This was communicated to the Nonconformists, and approved by them. But when the bishops perused the draught, they could by no means assent to the concessions. When the treaty broke off, Tillotson, in a letter to Baxter, acquainted him, "that as circumstances stood, such an act (as it seems the Nonconformists moved for) could not pass in either house without the concurrence of a considerable part of the bishops, and his majesty's countenance, which at present he saw little reason to expect." The terms of union were little different from those above-mentioned to the earl of Orrery¹.

CHARLES
II.

Id. p. 605.

The see of Worcester being void by the death of bishop Blandford, Dr. James Fleetwood, provost of King's-college in Cambridge, was promoted to that see. Not long after, bishop Henchman departing this life, the honourable Henry Compton, D.D., son to the loyal and brave earl of Northampton, was translated from Oxon to London : and upon the vacancy of the see of Oxon, the learned Dr. Fell, dean of Christchurch, was consecrated for that diocese. The next year, Anthony Sparrow, bishop of Exeter, was translated from thence to Norwich ; and Dr. Thomas Lamplugh, dean of Rochester, preferred to the bishopric of Exeter.

August 29,
1675.

*Promotions
in the
Church.*

Nov. 12,
1676.

At the session of parliament the year following, an act passed "for confirming and perpetuating augmentations made by ecclesiastical persons to small vicarages and curacies." These augmentations, as the reader may remember, were granted by the bishops and dignified clergy soon after the Restoration. It is provided, "that no future augmentations shall be confirmed by virtue of this act which shall exceed one moiety of the clear yearly value, above all reprises, of the rec-

*An act for
perpetuating
the augmen-
tation of
small vi-
carages.*
April 14,
1677.

29 Charles 2.
cap. 2.

¹ Thus the best designs of union and pacification were continually demolished by the exclusiveness of party spirit on one side or the other.

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CROFT,
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29 Charles 2.
cap. 3.
*The writ
"De Hære-
tico Com-
burendo"
taken away
by act of
parliament.*

tory inappropriate, out of which the same shall be granted or reserved."

This sessions a bill passed both houses, and received the royal assent, for "taking away the writ *de hæretico comburendo*." The making this statute is said to have been promoted by his royal highness the duke of York.

In November, this year, Sheldon, archbishop of Canterbury, departed this life. He was descended from an ancient and considerable family in Staffordshire. He received his education at Trinity-college, in Oxon, where he commenced doctor in divinity. He was made clerk of the closet to king Charles I., and elected warden of his own college. He was remarkably eminent for his loyalty, and lost his wardenship upon that score. And not to repeat what I have already related concerning him, his public benefactions were extraordinary. He built the theatre at Oxon, a fair library at Lambeth, and, in short, spent above threescore thousand pounds in encouragements of learning, and in bounties and legacies to pious and charitable uses.

Athen.
Oxon.

He was succeeded by Dr. William Sancroft, dean of St. Paul's, a person well distinguished for his loyalty and learning, and unexceptionable through the rest of his character.

Jan. 27,
1677-8.

*Oates's Nar-
rative of the
Popish plot.*

The next thing which occurs is "Titus Oates's Narrative of a Plot carried on by the Jesuits, and other Roman Catholics, against his majesty's life, the Protestant religion, and the government of this kingdom." This Oates had received orders in the Church of England, and officiated as a curate in Kent. He was afterwards reconciled to the Church of Rome, and entered in the college of St. Omers. And thus, as he reports, coming to a close correspondence with Jesuits and Priests, he was let into the design discovered by him. To confirm his testimony, he referred himself to letters and papers in the custody of Coleman, then secretary to the duke of York. These letters were afterwards seized and published. As to the contents, it is somewhat foreign to this work: but touching the main and blackest part of the plot, I shall give the reader the judgment of an author who seems by no means inclined to blanch or extenuate matters of this kind. "What superstructure," says he, "might have been afterwards built upon an unquestionable foundation, (meaning Coleman's letters,) and how far some of the witnesses of that plot might

come to darken truth by subsequent additions of their own, CHARLES must be deferred till the great account to be made before a higher tribunal: and till then, a great part of the popish plot, as it was then sworn to, will, in all human probability, lie among the darker scenes of our English history¹.

II.
Wellwood's
Memoirs.
Complete
Hist. of
England,
vol. 3,
p. 364.
*An act for
disabling
Papists
from sitting
in either
house of par-
liament.*

The two houses now under apprehensions of the increase of popery, and the danger which might arise from that quarter, passed a bill, which was signed by the king, "for the more effectual preserving the king's person and government, by disabling Papists from sitting in either house of parliament." By this statute, no peer or commoner is allowed to be a member of either house, unless they first qualified themselves by taking the oaths of allegiance and supremacy, and likewise subscribed and audibly repeated the declaration following:—

"I, A. B., do solemnly and sincerely, in the presence of God, profess, testify, and declare, that I do believe that in the sacrament of the Lord's supper there is not any transubstantiation of the elements of bread and wine into the body and blood of Christ, at or after the consecration thereof, by any person whatsoever; and that the invocation or adoration of the Virgin Mary, or any other saint, and the sacrifice of the mass, as they are now used in the Church of Rome, are superstitious and idolatrous. And I do solemnly, in the presence of God, profess, testify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words read unto me, as they are commonly understood by English Protestants, without any evasion, equivocation, or mental reservation whatsoever, and without any dispensation already granted me for this purpose by the pope, or any other authority or person whatsoever, or without any hope of any such dispensation from any person or authority whatsoever, or without thinking that I am or can be acquitted before God or man, or absolved of this declaration, or any part thereof, although the pope, or any other person or persons, or power whatsoever, should dispense with or annul the same, or declare that it was null and void from the beginning."

The statute concludes with a proviso, "that nothing con- 30 Charles 2.
tained in this act shall extend to his highness the duke of cap. 1.
York."

¹ This Complete History of England, in three volumes, folio, was edited by Dr. Kennett, whose account of the Stuarts was severely criticised by North.

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CROFT,
Abp. Cant.

*The long
parliament
dissolved.*

On the 24th of January, the long parliament, which had sat seventeen years, was dissolved, and another summoned to meet at Westminster on the 6th of March following. The convocation for the province of Canterbury met on the 3rd of April, but did no business.

May 3.
Archbishop
Sharp assassinated.

In May following, James Sharp, archbishop of St. Andrew's, was murdered by nine Cameronian assassins. These wretches assaulted him on the road in his coach, first wounded some of his retinue and his daughter, and then gave him two-and-twenty wounds with sword and pistol. He was a prelate of great natural parts, well improved with books and business. He had a share in retrieving the Scottish Church and government; and did his part towards restoring episcopacy and the royal family.

A. D. 1669.

In England, the new parliament being dissolved this summer, another was summoned to meet at Westminster, on the 17th of October, but was, by several prorogations, continued till the 21st of October, 1680. From this time the session held till the 10th of January following, and then being prorogued to the 20th of the same month, the houses were dissolved. The next day after the meeting of the parliament, both the convocations were assembled, and continued to the 21st of January, but nothing of business was done by either by them.

A. D. 1680.
*The Convocation does
no business
during the
two ensuing
parliaments.*

This year the lord bishop of London, in hopes to recover the Dissenters to the communion of the Church, wrote to Monsieur Le Moyne, professor in divinity at Leyden; to Monsieur L'Angle, preacher to the reformed Church at Charenton, near Paris; and to Monsieur Claude, another learned French divine, who had signalised himself against Monsieur Arnauld's "Perpetuity of the Faith." The design of his lordship's letters was, to receive the judgment of these divines upon the controversy between the Nonconformists and the Church of England.

*Part of M.
Moyne's
letter to the
lord bishop
of London,
touching the
Noncon-
formists.*

I shall give the reader part of their answers sent to the bishop upon this head. To begin: Monsieur Le Moyne, speaking of episcopal government, declares himself thus; "What is there in it that is dangerous, or may reasonably give an alarm to any man's conscience? If such a form of spiritual administration is capable of depriving us of eternal happiness, or shutting up the passages to heaven, who could possibly get thither for more than fifteen hundred years to-

gether? For during this whole time, no Churches in the world have been under any other government. If episcopacy were thus destructive of truth and future happiness, is it imaginable that God would have given it such marks of open approbation, and suffer his Church to be thus tyrannically oppressed for so many centuries? For who have all along governed this spiritual society? Who have been the members both of general, provincial, and diocesan councils? Who are they that have combated the heresies with which the Church has been disturbed through every age? Were not these fathers the bishops? And has it not been the effect of their prudent conduct, next under God, that the word of God has made its way against all opposition, and that truth has triumphed over error? And, without tracing the history of the Church to its beginning, who was it that recovered England in the last century from the mispersuasions they lay under? Who was it that revived primitive belief in so wonderful a manner? Was not all this compassed by the ministry, the zeal, and resolution of the bishops?" After a great deal more to this purpose, he takes notice "that all the Protestants of France, those of Geneva, those of Switzerland, Germany, and Holland, have a profound veneration for the Church of England. How comes it to pass, then, that the English should be thus singular in their conduct, thus unhappy in their belief, as to break with them? Is not this plainly coming to a rupture with all the Churches of antiquity, with all the eastern Churches, with all the Protestant Churches, who have always had a great regard for the English communion, upon the score of the purity of her doctrine and constitution? Is it not a strange degree of severity and assurance, to excommunicate her without mercy, and to imagine themselves the only persons in England, or indeed in the whole Christian world, that are predestinated to eternal happiness, and maintain those truths that are necessary to salvation? Certainly one might draw a very disadvantageous parallel between these teachers and pope Victor, who would needs excommunicate the Asian Churches, because they would not keep the Easter festival upon the same day it was observed at Rome: the comparison might be carried farther between these ministers and the Audæans, who went off from the communion of the Church, and would not endure the bishops should be any thing wealthy: between

CHARLES
II.Sept. 5,
A.D. 1680.

899.

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them and the Donatists, who would maintain no spiritual correspondence with those who had been ordained by bishops that had been traditors; the Donatists, I say, who fancied their society the only true Church, and that the spouse in Canticles fed his flock in the south."

*M. De
L'Angle's
letter upon
the same
subject.*

To take leave of Monsieur Le Moyne, who has sufficiently discovered his opinion in what has been recited already. Monsieur De L'Angle shall be the next. After some introductive lines of ceremony, he comes close to the question, and argues upon the following acknowledgment. "Since," says he, "the Church of England is a true Church,—since her worship and doctrines are pure, and have nothing in them contrary to the Word of God,—and since, at the English Reformation, episcopacy, the liturgy, and ceremonies now used were jointly established at the same time,—it is, without doubt, the duty of all the reformed of that kingdom to keep themselves inseparably united to your Church; and those, who decline such conformity, upon pretence they must insist upon more plain and unornamented ceremonies, and have less inequality amongst the ministers, are undoubtedly guilty of a great sin: for schism is the most terrible evil that can possibly happen to the Church."

Oct. 31.
Calvin.
Edit.
Amstel.
tom. 8.
p. 60.

After this, he cites the authorities of Calvin and Beza in approbation of the English episcopacy. In the close of the letter, Monsieur De L'Angle acquaints his lordship M. Claude is entirely of the same opinion. However, it may not be amiss to let this last divine speak a little for himself.

Beza contra
Sarrav. ad
cap. 8. art. 3.
p. 270.
Edit. Francf.
A.D. 1601.
Nov. 29,
Stylo novo,
1680.
*M. Claude's
letter upon
the same
argument.*

To pass over some of his letter more remote from the controversy in hand, I shall begin with that part of it in which he delivers his judgment concerning the Independents. "I could wish with all my soul," saith he, "that those who fly out so far as to think of nothing less than coming to an absolute rupture, and throwing off all dependence and subordination, in order to give every particular congregation a sort of sovereign government,—I could wish these people would thoroughly consider, whether their scheme is not a direct contradiction to the spirit of Christianity, which is a spirit of union and social correspondence, and not of division; that they would consider, that, though the principle of the reformed Churches will by no means suffer 'men should have dominion over their faith,' and govern the conscience at discretion, and that such arbitrary

and implicit methods are destructive to religion,—that, notwithstanding this,—it does by no means follow that it is lawful for Christians to take check at discipline, to throw off the yoke of government, and deprive themselves of those assistances which are the consequences of general union ; and that such a subordination in the parts of this spiritual society is very serviceable to secure orthodox belief and regular practice. And, lastly, I desire they would consider, that the same reason which makes them insist upon the independence of one congregation upon another will carry them much farther than they desire, and may be made use of to break the union of particular congregations, and make every single person independent of each other : for one congregation has no more right to claim an independency of other congregations, than one single person has to set up himself independent of others in the same congregation. This principle, therefore, must of necessity destroy all discipline, throw the Church, as far as in us lies, into a horrible confusion, and expose the ‘heritage of our Lord’ to the reproach of the adversaries.

“As for those amongst you,” continues Monsieur Claude, “who are called Presbyterians, though I persuade myself they are not unfurnished with knowledge, judgment, and zeal, yet I could wish with all my heart they had shown more temper in resenting the scandal they fancy has formerly been given them by the bishops, and that they had distinguished the order from the men. Persons in public stations are not only liable to miscarriage, but it may happen that the most holy and considerable functions are sometimes managed by ill people ; and, in this case, both reason and religion will tell us, that the minister and the employment ought not to be intermixed and thrown together ; and since at present, by the blessing of God, there is no such pretence for disgust, and that my lords the bishops are remarkable for their piety, their zeal, and constancy to their religion, I hope the advantage of their example will have a good effect upon the generality, compose the minds of those formerly disaffected, and sweeten their disposition. Besides, the Dissenters should please to consider, that, if the episcopal government is attended with some troublesome inconveniences,—as I do not question but it may be,—so, on the other side, the Presbyterian constitution is not without very great disadvantages. No order or function, where mortal

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II.

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900.

men have the management of it, is exempt from inconveniences. Equality amongst the ministry is subject to blemishes and excesses, no less than superiority. The safest and most prudent conduct, therefore, is not to run from one settlement to another, nor to hazard the shaking the whole frame in hopes of a better constitution, though we had both authority and power to make such an experiment. Prudence, justice, and Christian charity, will by no means give us leave to push the point thus far, and venture on such dangerous extremities only for a different form of government. The best expedient is to endeavour the drawing towards a temper, and lessen, as much as may be, the inconveniences we are afraid of, and not to have recourse to violent remedies. My lord, I make no scruple to call the setting up private meetings, declining the public congregations, and withdrawing from your lordship's government, violent remedies. Such practice is apparently no better than a formal schism : a crime, in its own nature hateful to God and men ; and for which, both those who set it up, and encourage it, must expect to give an account at the great day."

Still-
fleet's Un-
reasonable-
ness of
Separation,
p. 395. et
deinc.

The remainder is too long to be inserted. From what has been already recited, it is plain these three celebrated divines have justified the communion of the Church of England, and given the cause against the Dissenters.

March 21,
1680-1.

In the latter end of this year, the parliament was summoned to Oxon, and dissolved after one week's sitting. The convocation was ordered to meet at St. Paul's, London, March 22nd, but was first prorogued, and afterwards dissolved, without doing any business.

This summer, a parliament was held at Edinburgh, his royal highness the duke of York being high commissioner. The first act relates to religion, and stands thus :—

*The parlia-
ment at
Edinburgh
provides for
the security
of the reli-
gion esta-
blished.*

" Our sovereign Lord, with the advice and consent of the estates of parliament, ratifies and approves all and whatsoever laws, acts, and statutes, made by his royal grandfather and father of blessed memory, or made and passed in any of his majesty's former parliaments, for settling and securing the liberty and freedom of the true Kirk of God, and the Protestant religion, presently professed within this realm, and all acts made against popery ; and ordains the same to stand in full force and effect, and to be put in execution according to the

Charles 2.
parl. 3.
cap. 1.

tenour and purport of these acts, as if they were specially mentioned and set down herein.”

CHARLES II.

This session, a test was enacted for the farther security of the established religion and government. This solemn engagement was to be sworn by all persons in public trust in the Church, in the State, and the army. And here, to say somewhat more particularly, the national covenant and the solemn league and covenant are renounced; the endeavouring any alteration, either in Church or State, is disclaimed; the defence of the crown as fully engaged for, and the doctrine of non-resistance as strongly asserted, as can well be expressed.

The Scotch test.

Those who refuse to swear pursuant to the tenour of this act, are declared incapable of all offices and public trust, both in Church and State: and were to be punished over and above with the loss of their moveables, and life-rent escheat. But notwithstanding the heavy penalties of this statute, the test was generally refused by the Scottish bishops and clergy, till it was explained to an inoffensive sense by the king and council, and the inherent rights of the Church expressly guarded and reserved. This being a matter of considerable moment, and much to the commendation of the Scottish hierarchy, the reader shall have the public instruments of this process inserted at large.

Charles 2.
parl. 3.
cap. 6.

The power and jurisdiction of the Church owned by the State to continue the same it was formerly, during the three first centuries, under heathen princes.

“An Act of Council explanatory of the Test: Edinburgh, the third day of November, 1681.

“Forasmuch as some have entertained jealousies, and prejudices, against the oath and test appointed to be taken by all persons in public trust, civil, ecclesiastic or military in this kingdom, by the sixth act of his majesty’s third parliament, as if thereby they were to swear to every proposition, or clause in the confession of faith therein mentioned; or that invasion were made thereby upon the intrinsic spiritual power of the Church, or power of the keys; or as if the present episcopal government of this national Church, by law established, were thereby exposed to the hazard of alteration, or subversion; all which are far from the intention and design of the parliament’s imposing this oath, and from the genuine sense and meaning thereof: therefore his royal highness, his majesty’s high-com-

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CROFT,
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missioner, and the lords of privy-council, do allow, authorize, and impower the archbishops, and bishops, to administer this oath and test to the ministers and clergy in their respective dioceses in this express sense; that though the confession of faith, ratified in parliament, one thousand five hundred sixty and seven, was framed in the infancy of our reformation, and deserves its due praises; yet by the test we do not swear to every proposition, or clause therein contained; but only to the true Protestant religion, founded on the word of God, contained in that confession, as it is opposed to popery, and fanaticism.

“Secondly, That by the test, or any clause therein contained, no invasion, or encroachment, is made, or intended upon the intrinsic spiritual power of the Church, or power of the keys, as it was exercised by the apostles, and the most pure and primitive Church, in the first three centuries after Christ, and which is still reserved entirely to the Church.

“Thirdly, That the oath and test is without any prejudice to the episcopal government of this national Church; which is declared by the first act of the second session of his majesty’s first parliament to be most agreeable to the word of God, and most suitable to monarchy, and which upon all occasions, his majesty has declared he will inviolably, and unalterably preserve; and appoints the archbishops, and bishops to require the ministers in their respective dioceses, with the first conveniency, to obey the law, in swearing and subscribing the aforesaid oath and test, with certification; that the refusers shall be esteemed persons disaffected to the Protestant religion, and to his majesty’s government, and that the punishment appointed by the aforesaid sixth act of his majesty’s third parliament, shall be impartially, and without delay, inflicted upon them.

“Extracted forth of the records of privy-council, by

“WILLIAM PATERSON, Cl. Sti Concilii.”

To this record I shall subjoin his majesty’s letter of approbation.

“CHARLES REX.

“Most dear, and most entirely-beloved brother: right

trusty and well-beloved cousins and councillors; right trusty and well-beloved councillors; and trusty and well-beloved ^{CHARLES II.} councillors, we greet you well. Whereas, by one of your letters directed unto us, bearing date the 8th instant, we do find that some having entertained scruples and prejudices against the test, by mistaking the true sense and meaning thereof; and others having put false and unjust glosses and senses upon it, tending to defeat its excellent design for the security of our government, and that upon this account you found it necessary, by an act of that our council (which we have seen) to declare its true and genuine sense, and to allow and empower the bishops to administer the same in this sense to the clergy in their respective dioceses; we are so well pleased with that explanatory act, that we will not delay to send you our cheerful approbation thereof, with our hearty thanks for your zeal in our service upon all occasions, especially in what relates to the security of the persons, rights, interests, and privileges of our orthodox clergy, which we do now (as we have often done before) in a particular manner recommend to your care, as a matter wherein you may render unto us the most acceptable services; and therefore we expect that you will upon all fit occasions give them all possible encouragement, as those whom we have received, and will constantly shelter under our royal protection, against all their enemies. So we bid you heartily farewell.

“ Given at our court at Whitehall, the fifteenth day of November, one thousand six hundred eighty and one, and of our reign the thirty-third year.

“ By his majesty’s command,

“ MORRAY.”

And here it may not be improper to advertise the reader, that by the Scottish constitution, the king and the council are the authentic interpreters of the legislature; and their explanation of the sense of an act stands for law, unless afterwards disallowed in parliament, which never happened in the present case.

And thus, upon the whole, we have a full acknowledgment from the State of the Church’s independency in spiritual mat-

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Abp. Cant.

ters; that the power of the keys, as it was exercised by the apostles, and by other ecclesiastical governors through the first three centuries, is still reserved entirely to the Church as a peculiar and unalienable jurisdiction. From whence the next inference is, that the Christianity of princes implies no cession of authority in the hierarchy, or the forfeiture of any branch of our Saviour's commission to the apostles and their successors, the bishops.

Soon after his royal highness returned to England, seven of the Scotch bishops wrote to the archbishop of Canterbury, to acquaint him how sensible they were of the benefit of the duke's administration. Their letter stands thus:—

Edinburgh,
March 9,
1682. *But
by the Eng-
lish compu-
tation,
1681-2.
The Scotch
bishops' let-
ter by way
of acknow-
ledgement
of
the benefit
of
the duke's
administra-
tion.*

“MAY IT PLEASE YOUR GRACE,

“His royal highness having passed from hence on Monday last, being called by the king to attend his majesty at Newmarket; we should prove very defective in duty and gratitude, if, upon this occasion, we should forget to acknowledge to your grace how much this poor Church and our order do owe to his princely care and goodness, that his majesty and the worthy bishops of England may from you receive the just account thereof.

“Since his royal highness's coming to this kingdom, we find our case much changed to the better, and our Church and order (which, through the cunning and power of their adversaries, were exposed to extreme hazard and contempt) sensibly relieved and rescued; which, next to the watchful providence of God (that mercifully superintends his Church) we can ascribe to nothing so much as to his royal highness's gracious owning and vigilant protection of us.

“Upon all occasions he gives fresh instances of his eminent zeal against the most unreasonable schism, which, by rending, threatens the subversion of our Church and religion, and concerns himself as a patron to us, in all our public and even personal interests; so that all men take notice of his signal kindness to us, and observe, that he looks on the enemies of the Church as adversaries to the monarchy itself; nor did we ever propose or offer to his royal highness any rational expedient which might conduce for the relief or security of the Church, which he did not readily embrace and effectuate.

“The peace and tranquillity of this kingdom is the effect of

his prudent and steady conduct of affairs ; and the humours ^{CHARLES II.} of our wicked fanatics are much restrained from dangerous eruptions, upon their apprehensions of his vigilance and justice ; for they dread nothing so much as to see him upon the head of his majesty's councils and forces against them.

“ We hope your grace will make our dutiful acknowledgment to his royal highness for all his princely favours to us, and give him the most firm assurance of our most sincere endeavours to serve him, and of our most fervent prayers for his temporal and eternal happiness, as the bounden duty of,

“ May it please your grace,

“ Your grace's most humble

“ And faithful servants,

“ ALEXAND. ST. AND.

J.A. GALLOVIDIENS.

“ JO. EDINBURGENS.

GEORGE BRECHIN.

“ ANDR. DUNKELDEN.

J.A. DUNBLANEN.”

“ ARCH. GLASCUENS.

That these seven bishops were solicited for this acknowledgment ; that they were caressed or overawed into a compliment ; and that they wanted matter of fact to support their letter, is an uncourtly and uncharitable supposition, and argues they had nothing of that truth and resolution required in their character. However, something of this is glanced at by a late historian. The duke, it seems, must have a blow, at all adventures ; for it is not uncustomary with this learned author to take extraordinary freedom with that prince's memory.

902.

Complete
Hist. of
England,
vol. 3.
p. 407.

Upon the breaking out of the Rye-house plot, and some other bold practices against the government, the university of Oxon thought it their duty to do their part for disabling such treasonable attempts. To this purpose they passed a solemn censure of twenty-seven propositions extracted from modern authors, who most of them had either acted in, or abetted the late rebellion. This decree was drawn up in Latin by the professor in divinity, passed the convocation on Saturday, July 21st, and was presented to his majesty in English on the 24th of the same month. It is to the tenor following :—

SAN-
CROFT,
Abp. Cant.

*The decree
of the uni-
versity of
Oxford.*

A.D. 1683.

“The Judgment and Decree of the University of Oxon, passed in their Convocation on July the 21st, 1683, against certain pernicious Books and damnable Doctrines, destructive to the sacred persons of Princes, their State, and Government, and of all human society.”

I shall omit the introductive discourse, and pass to the scandalous assertions, which are these:—

“*The First Proposition.*

“All civil authority is derived originally from the people.

“*The Second.*

“There is a mutual compact, tacit or express, between a prince and his subjects; and that if he perform not his duty, they are discharged from theirs.

“*The Third.*

“That if lawful governors become tyrants, or govern otherwise than by the laws of God and man they ought to do, they forfeit the right they had unto their government.”—*Lex Rex. Buchanan, de jure Regni. Vindiciæ contra Tyrannos. Bellarm. de Conciliis, de Pontifice. Milton, Goodwin, Baxter, H. C.*

“*The Fourth.*

“The sovereignty of England is in the three estates, viz. king, lords, and commons. The king has but a co-ordinate power, and may be overruled by the other two.”—*Lex Rex. Hunton, of a limited and mixed Monarchy. Baxter's H. C. Polet. Catechis.*

“*The Fifth.*

“Birthright and proximity of blood give no title to rule or government; and it is lawful to preclude the next heir from his right and succession to the crown.”—*Lex Rex. Hunt's Postscript. Dolman's History of Succession. Julian the Apostate. Mene Tekel.*

“*The Sixth.*

“It is lawful for subjects, without the consent, and against

the command of the supreme magistrate, to enter into leagues, covenants, and associations for defence of themselves and their religion."—*Solemn League and Covenant. Late Association.* CHARLES II.

“ *The Seventh.* ”

“ Self-preservation is the fundamental law of nature, and supersedes the obligation of all others, whensoever they stand in competition with it.”—*Hobbs de Cive. Leviathan.*

“ *The Eighth.* ”

“ The doctrine of the Gospel, concerning patient suffering of injuries, is not inconsistent with violent resisting the higher powers, in case of persecution for religion.”—*Lex Rex. Julian the Apostate. Apolog. Relat.*

“ *The Ninth.* ”

“ There lies no obligation upon Christians to passive obedience when the prince commands any thing against the laws of our country ; and the primitive Christians chose rather to die than resist, because Christianity was not settled by the laws of the empire.”—*Julian the Apostate.*

“ *The Tenth.* ”

“ Possession and strength give a right to govern ; and success in a cause or enterprise proclaims it to be lawful and just : to pursue it is to comply with the will of God, because it is to follow the conduct of his providence.”—*Hobbs. Owen’s Sermon before the Regicides, Jan. 31, 1648. Baxter. Jenkin’s Petition, October, 1651.*

“ *The Eleventh.* ”

“ In the state of nature there is no difference between good and evil, right and wrong : the state of nature is a state of war, in which every man hath a right to all things.

“ *The Twelfth.* ”

“ The foundation of civil authority is this natural right, which is not given, but left to the supreme magistrate, upon men’s entering into societies : and not only a foreign invader, but a domestic rebel, puts himself again into a state of nature, to be proceeded against, not as a subject, but an enemy ; and

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consequently acquires, by his rebellion, the same right over the life of his prince, as the prince, for the most heinous crimes, has over the life of his own subjects.

“ *The Thirteenth.* ”

“ Every man, after his entering into a society, retains a right of defending himself against force ; and cannot transfer that right to the commonwealth, when he consents to that union whereby a commonwealth is made : and in case a great many men together have already resisted the commonwealth, for which every one of them expecteth death, they have liberty then to join together to assist and defend one another : their bearing of arms, subsequent to the first breach of their duty, though it be to maintain what they have done, is no unjust act ; and if it be only to defend their persons, it is no unjust at all.

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“ *The Fourteenth.* ”

“ An oath superadds no obligation to pacts, and a pact obliges no farther than it is credited : and, consequently, if a prince gives any indication that he does not believe the promises of fealty and allegiance made by any of his subjects, they are thereby freed from their subjection ; and notwithstanding their pacts and oaths, may lawfully rebel against, and destroy their sovereign.”—*Hobbs, de Civ. Leviathan.*

“ *The Fifteenth.* ”

“ If a people, that by oath and duty are obliged to a sovereign, shall sinfully dispossess him, and, contrary to their covenants, choose and covenant with another ; they may be obliged by their latter covenants, notwithstanding their former.”—*Baxter's H. C.*

“ *The Sixteenth.* ”

“ All oaths are unlawful, and contrary to the word of God.”—*Quakers.*

“ *The Seventeenth.* ”

“ An oath obligeth not in the sense of the imposers, but the takers.”—*Sheriff's Case.*

“ *The Eighteenth.*

“ Dominion founded in grace.

CHARLES

II.

“ *The Nineteenth.*

“ The powers of this world are usurpations upon the prerogative of Jesus Christ ; and it is the duty of God’s people to destroy them, in order to the setting Christ upon his throne.”
—*Fifth Monarchy-men.*

“ *The Twentieth.*

“ The Presbyterian government is the sceptre of Christ’s kingdom, to which kings, as well as others, are bound to submit : and the king’s supremacy in ecclesiastical affairs, asserted by the Church of England, is injurious to Christ, the sole king and head of his Church.”—*Altare Damascenum. Apolog. Relat. Hist. Indulg. Cartwright. Travers.*

“ *The Twenty-first.*

“ It is not lawful for superiors to impose any thing in the worship of God, that is not antecedently necessary.

“ *The Twenty-second.*

“ The duty of not offending a weak brother, is inconsistent with all human authority of making laws concerning indifferent things.”—*Protestant Reconciler.*

“ *The Twenty-Third.*

“ Wicked kings and tyrants ought to be put to death ; and if the judges and inferior magistrates will not do their office, the power of the sword devolves to the people ; if the major of the people refuse to exercise this power, then the ministers may excommunicate such a king : after which it is lawful for any of the subjects to kill him ; as the people did Athaliah, and Jehu Jezebel.”—*Buchanan, Knox, Goodman, Gilby, Jesuits.*

“ *The Twenty-fourth.*

“ After the sealing of the Scripture canon, the people of God, in all ages, are to expect new revelations for a rule of their actions ; and it is lawful for a private man, having an inward motion from God, to kill a tyrant.”—*Quakers and other enthusiasts, Goodman.*

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“*The Twenty-fifth.*

“The example of Phinehas is to us instead of a command: for what God hath commanded or approved in one age, must needs oblige in all.”—*Goodman, Knox, Naphtali.*

“*The Twenty-sixth.*

“King Charles I. was lawfully put to death; and his murderers were the blessed instruments of God’s glory in their generation.”—*Milton, Goodwin, Owen.*

“*The Twenty-seventh.*

“King Charles I. made war upon his parliament: and in such a case, the king may not be resisted, but he ceaseth to be king.”—*Baxter.*

“We decree, judge, and declare all and every of these propositions to be false, seditious and impious, and most of them to be also heretical and blasphemous, infamous to Christian religion, and destructive of all government in Church and State.

A. D. 1683.

“We farther decree, that the books which contain the aforesaid propositions, and impious doctrines, are fitted to deprave good manners, corrupt the minds of uneasy men, stir up seditions and tumults, overthrow states and kingdoms, and lead to rebellion, murder of princes, and atheism itself. And therefore we interdict all members of the university from the reading of the said books under the penalty in the statutes expressed. We also order the before-recited books to be publicly burnt by the hand of our marshal, in the court of our schools.

“Likewise we order, that, in perpetual memory hereof, these our decrees shall be entered into the registry of our convocation; and that copies of them being communicated to the several colleges and halls within this university, they be there publicly affixed in the libraries, refectories, or other fit places, where they may be seen and read of all.”

The rest may be omitted.

13 & 14

Charles 2.

cap. 3.

13 Charles 2.

cap. 6.

14 Charles 2.

cap. 6.

Those who blame these gentlemen of the university, as if they set the obedience of the subject too high, do not seem to have fully considered that the homilies and statutes make submission to the crown no less absolute, the passive chain alto-

gether as heavy, and strike the resisting principle as strong, as any inference which can be drawn from the Oxford decree.

The Cambridge address, published about this time, is particularly remarkable for loyalty, and elocution, and deserves to be remembered: it was presented to the king at Newmarket, by the vice-chancellor Dr. Gower. It is this:—

“SIR,

“We your majesty’s most faithful and obedient subjects of the university of Cambridge, have long, with the greatest and sincerest joy, beheld what we hope is in some measure the effect of our own prayers, the generous emulation of our fellow-subjects, contending who should first and best express their duty and gratitude to their sovereign, at this time especially, when the seditious endeavours of unreasonable men have made it necessary to assert the ancient loyalty of the English nation, and make the world sensible, that we do not degenerate from those prime glories of our ancestors, love and allegiance to our prince.

“That we were not earlier seen in those loyal crowds, but chose rather to stand by, and applaud their honest and religious zeal, we humbly presume will not be imputed to the want of it in ourselves, either by your majesty, or your people; for it is at present the great honour of our university, not only to be steadfast and constant in our duty, but to be eminently so, and to suffer for it, as much as the calumnies and reproaches of factious and malicious men can inflict upon us: and that they have been hitherto able to do no more than vent the venom of their tongues; that they have not proceeded to plunder and sequestration, to violate our chapels, rifle our libraries, and empty our colleges, as once they did, next to the overruling providence of Almighty God, is only due to the royal care and prudence of your most sacred majesty.

“But no earthly power, we hope, no menaces or misery, shall ever be able to make us renounce or forget our duty. We will still believe and maintain, that our princes derive not their title from the people, but from God; that to him only they are accountable, that it belongs not to subjects either to create, or censure, but to honour and obey their sovereign, who comes to be so by a fundamental hereditary right of

CHARLES II.

25 Edw. 3.
cap. 2.
14 Charles 2.
cap. 4.
Homil. 10.
Exhortation
to Obedience.
Homil. 33.
Against Dis-
obedience
and Wilful
Rebellion.

904.

The Cambridge university address.

SAN-
CROFT,
Abp. Cant.

succession, which no religion, no law, no fault, or forfeiture, can alter or diminish.

“Nor will we ever abate of our well-instructed zeal for our most holy religion, as it is professed and established by law in the Church of England, that Church that hath so long stood, and is still the envy and terror of her adversaries, as well as the beauty and strength of the reformation.

“It is thus that we have learned our own, and thus we teach others their duty to God and their prince: in the conscientious discharge of both which, we have been so long protected and encouraged by your majesty’s most just and gracious government, that we neither need nor desire any other declaration than that experience, for our assurance and security for the future.

“In all which grace and goodness we have nothing to return. We bring no names and seals, no lives and fortunes, well capable of your majesty’s service, or at all worthy of your acceptance; nothing but hearts and prayers, vows of a zealous and lasting loyalty, ourselves and studies, all that we can or ever shall be able to perform, which we here most sincerely promise and most humbly tender at your majesty’s feet,—a mean and worthless present, but such an one as we hope will not be disdained by the most gracious and indulgent prince that Heaven ever bestowed upon a people.”

Michaelmas
Term, A.D.
1684.
*Oates in-
dicted for
perjury.*

Titus Oates, now in the declension of his credit, was indicted at the King’s Bench and at the Old Bailey for perjury; but his trial was deferred till Hilary term. And, since thus much of Oates’s history has come in the way, the reader may probably expect not to be left in suspense about the issue. We may observe therefore, that, in May, the next summer, he was prosecuted for the same crime upon two indictments, and found guilty. The particulars upon which he was convicted are the disproof of some material circumstances sworn by him at the trials of Ireland, Whitebread, and others. Oates lived to a favourable juncture for reversing these judgments, and brought his writs of error for that purpose. However, after a full debate upon the cause, the lords could not be prevailed with to blanch his character, or restore him to the capacity of being an evidence in any court.

Oates’ Trial.

Complete
Hist. of
England,
vol. 3.
p. 530.

To return: at the latter end of this year, the king fell sick

of an apoplexy, and died at Whitehall, on the 6th of February. CHARLES
II.
A.D. 1684-5.
*The king's
death.*
To conclude in a word or two, by way of character : he was a prince of extraordinary natural endowments, of great quickness and penetration, and admirably qualified for the station he was born to. But these advantages were not without abatements in private life. It must be granted his pleasures were too strong for him. These sallies proved unserviceable to his exchequer, and drove him upon inequalities in the administration. Thus, being sometimes exhausted, he stooped his authority to disadvantage, and caressed a party, no friends to the crown. However, in the latter end of his reign, he recollected himself for business, recovered his ground, and died with the faction at his feet. He married Donna Catharina, infanta of Portugal, but had no issue by her.

NOTE.—As Collier is very brief in this part of his history, I select from Lingard's graphic narrative the following particulars illustrative of Charles's death and character:—

“On Monday, the 2nd of February, after a feverish and restless night, the king rose at an early hour. To his attendants he appeared drowsy and absent: his gait was unsteady; his speech embarrassed. About eight, as he walked across his room, he fell on the floor in a state of insensibility, with his features strongly convulsed. It happened that two physicians were within call, of whom one, who had practised as a surgeon, instantly opened a vein; the blood flowed freely. The most stimulating remedies were subsequently applied, and the royal patient gradually recovered his consciousness and the use of his speech. In the evening he suffered a relapse, but unexpectedly rallied the next morning, and improved so much in the course of the day, that his physicians began to cherish the hope of his recovery; but in twenty-four hours the prospect changed. The king's strength was exhausted. He repeatedly fell into a state of stupor; and on the fifth evening it became evident that his dissolution was rapidly approaching. The impression which these changes made on the public mind furnishes a strong proof that Charles, with all his faults, was beloved by his subjects. The announcement of his malady spread a deep gloom over the metropolis. The report of his convalescence the next day was received by the citizens with expressions of joy, the ringing of bells, and numerous bonfires. When at last the danger became manifest, crowds hastened to the churches to solicit from Heaven the health of their sovereign; and we are assured that repeatedly the service was interrupted by the sighs and sobs of the congregation. In the two royal chapels the ministers succeeded each other in rotation; and the prayers were continued without intermission till his death.

“After the first attack, the moment the king recovered his speech, he had asked for the queen, who came immediately, and continued to wait on him with the most affectionate attention, till the sight of his sufferings threw her into fits, and the physicians forbade her to leave her own apartment. Interest, as well as affection, prompted the duke of York to be present; nor did he ever quit the bed-side of his brother, unless it were for a few minutes to receive reports concerning the state of the city, and to give orders for the maintenance of tranquillity and the securing of his own succession. In like manner the archbishop of Canterbury and the bishops of London, Durham, Ely, and Bath and Wells, were constantly in attendance, and one of them watched in his

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turn during the night in the king's chamber. Early on the Thursday morning, Kenn, of Bath and Wells, seized a favourable moment to warn the monarch of his danger; and the air of resignation with which the announcement was received, encouraged him to read the office appointed for the visitation of the sick. When he came to the rubric respecting confession, he paused,—observed that it was a matter not of obligation, but of choice,—and, receiving no answer, asked whether the king repented of his offences against the law of God. Charles replied in the affirmative; and the prelate, having pronounced the usual form of absolution, asked if he might proceed to the administration of the sacrament? The king appeared to take no notice of the question; but Kenn renewed the proposal with a louder voice, and Charles replied, in a faint tone, that there was still time enough. The elements were, however, brought and placed on a table; and the question was repeatedly asked by the bishop, who could extort no other answer from the dying man, but that he would ‘think of it.’

“The duke of York, though aware of his brother's preference of the Catholic worship, and reminded of it by the French ambassador, at the instance of the duchess of Portsmouth, had hitherto abstained from speaking to him on the subject of religion. He heard, however, the discourse between him and the prelate, and perfectly understood the import of the king's reluctant and evasive language. Motioning to the company to withdraw to the other end of the room, he approached the pillow of the sick monarch, and asked, in a whisper, if he might send for a Catholic priest. ‘For God's sake, do,’ was the king's reply; ‘but,’ he immediately added, ‘will it not expose you to danger?’ alluding to the penalties enacted against those who were instrumental in the reconciliation of others to the Church of Rome. The foreign clergyman, to whom the duke sent, could not be found; but Huddleston, the same who waited on the king at Moseley after the battle of Worcester, was desired to supply his place. James ordered all present to quit the room except the earl of Bath, lord of the bed-chamber, and the earl of Feversham, captain of the guard, whose attendance he thought necessary, to prevent any sinister reports; and then introduced Huddleston with the words, ‘Sir, this worthy man once saved your life; he now comes to save your soul.’ The priest threw himself on his knees, and offered the monarch the aid of his ministry. To his inquiries Charles replied, that it was his desire to die in the communion of the Roman Catholic Church; that he heartily repented of all his sins, and in particular of having deferred his reconciliation to that hour; that he hoped for salvation from the merits of Christ his Saviour; that he pardoned all his enemies, asked pardon of all whom he had offended, and was in peace with all men; and that he purposed, if God should spare him, to prove the sincerity of his repentance by a thorough amendment of life. Huddleston, having received his confession, anointed him, administered the eucharist, and withdrew. It was desirable that the object of his visit should be concealed. But the eyes of all had been fixed on the royal bed-chamber; the exclusion of the physicians and attendants during three-quarters of an hour awakened suspicion; and in a short time the real fact was whispered throughout the palace.

“During that night the king suffered at times the most distressing pain; but in the intervals between the paroxysms his mind was calm and collected, and he spoke of his approaching death with composure and resignation. The queen by a messenger excused her absence, and begged him to pardon her any offence which she might have given. ‘Alas, poor woman!’ he exclaimed, ‘she beg my pardon? I beg hers with all my heart. Take back to her that answer.’ Looking on the duke, who was kneeling at the bedside and kissing his hand, he called him the best of friends and brothers; desired him to forgive the harsh treatment which he had sometimes received; and prayed that God might grant him a long and prosperous reign. The name of Monmouth never passed his lips; but he sent for his other illegitimate sons, recommended them to James, and drawing each to him by the hand, successively gave them his blessing. At this sight, one of the prelates observed, that the king, the Lord's anointed, was the common father of all his subjects; every one present instantly threw himself on his knees, and Charles, being raised up, pronounced a blessing over them. He then expressed a hope to his brother that ‘poor Nelly (Gwynne) would not be left to starve;’ recommended

the duchess of Cleveland to his protection ; and spoke warmly in favour of the duchess of Portsmouth, who might, he feared, on account of her political conduct, incur the resentment of his successor. Thus the night passed away. In the morning he lost the faculty of speech ; and about noon calmly expired.

CHARLES
II.

" In person Charles was tall and well-proportioned, his complexion swarthy, his features singularly austere and forbidding. He inherited from his father a sound and robust constitution, which in his youth he had impaired by indulgence, and afterwards laboured to restore by attention to diet and exercise. In health he was wont to purchase, at exorbitant prices, the secrets of empirics ; but in sickness his good sense taught him to rely on the skill of his physicians.

" The disposition of his mind presented an extraordinary contrast to the harsh and repulsive lines traced on his countenance. He was kind, familiar, communicative. He delighted in social converse, narrated with infinite humour, and, as he was the first to seize and expose what might be ridiculous in others, so he never refused to join in the laugh when it was raised at his own expense. Parade and ceremony he held in aversion. To act the part of a king, was to him a tiresome and odious task ; and he would gladly burst from the trammels of official greatness, that he might escape to the ease and comfort of colloquial familiarity.

" With talents, said to be of the highest order, he joined an insuperable antipathy to application ; whence it happened, that to the scanty stock of knowledge, which he acquired in his youthful days, he made but few additions in a more advanced age. He sought amusement, and displayed taste in planting, gardening, and building : sometimes solicitude for his health led him to attend anatomical dissections, and sometimes a spirit of curiosity engaged him in chemical experiments ; but the subject of his favourite study, if study it may be called, was naval architecture ; in which he had the credit, not only of being a proficient, but of having made some valuable improvements.

" Impatient of trouble, and fearful of opposition, he looked upon the practice of dissimulation as the grand secret in the art of reigning. A king, he argued, was surrounded by men, who made it their object, as it was their interest, to deceive him. His only protection consisted in the employment of the same weapon : it was necessary for him to deceive, that he might not be deceived. But Charles practised this doctrine to an extent which marred his own purpose. Experience taught others to disbelieve him as much as he disbelieved them. They distrusted his most solemn promises and asseverations ; they paid no attention to his words, but studied his looks to ascertain his real meaning ; and the result repeatedly proved that in seeking to impose on others he had in reality imposed on no one but himself.

" From the commencement to the close of his reign he was the slave of women : but though he tolerated their caprice, though he submitted to their intrigues, he was neither jealous nor fastidious, freely allowing to them that latitude of indulgence which he claimed to himself. His example in this respect exercised the most pernicious influence on the morals of the higher classes of his subjects. His court became a school of vice, in which the restraints of decency were laughed to scorn, and the distinctions which he lavished on his mistresses, with the bold front which he enabled them to put on their infamy, held out an encouragement to crime, and tended to sap in youthful breasts those principles of modesty which are the best guardians of female virtue. There may have been other periods of our history in which immorality prevailed ; but none in which it was practised with more ostentation, or brought with it less disgrace.

" Of his pecuniary transactions with the king of France, no Englishman can think without feelings of shame, or speak but in the language of reprobation. He may have attempted to justify them to his own conscience ; he may have persuaded himself that he only took the money of another for doing that which it was his own duty to do : but it is plain that from the moment in which he became a pensioner, he ceased to be an independent agent. The possession or forfeiture of a considerable income must necessarily have had great weight in the deliberations of a needy and prodigal monarch. But this was not an age of public virtue. We shall look for it in vain either in the sovereign, or in the patriots who opposed him. Both sacrificed at the shrine of the same idol their own interest.

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"It was the persuasion of Charles that his political adversaries sought the re-establishment of a commonwealth, theirs that he cherished designs subversive of the liberties of the subject. These jealousies, founded perhaps in prejudice more than in truth, produced their natural effect. They led each party to the adoption of measures which it was not easy to justify: they provoked on the one side the extortion of charters, forced constructions of law, and unwarrantable severity of judgment from the bench, and on the other, the false and factious votes of the house of commons, the arbitrary arrests of the individuals called abhorers, and the disgraceful proceedings arising out of the imposture of Titus Oates. As far as regards despotic power, whatever might have been the inclination of Charles, he certainly was not the man to win it by force. To a prince of his indolent disposition, and attached so much to his own ease, the acquisition would not appear worth the trouble and the risk of the attempt. We are told by one who knew him well, by Barillon in a confidential dispatch to Louis XIV., that 'he viewed such plans with reluctance; that he cared not much for additional authority; and that in reality his wish was to live at ease, and to improve his revenue.'

"With respect to his religion, if we believe two noble writers who were much in his company, the marquess of Halifax, and Sheffield, duke of Buckingham, he was in fact a deist; while others have represented him as a most accomplished hypocrite, who had embraced the Catholic worship before the Restoration, and yet for five-and-twenty years held himself out to his subjects as an orthodox Protestant. Each of these assertions is incorrect. Charles never abandoned the belief of Christianity, nor was he ever reconciled to the Church of Rome before the eve of his death. If we compare his proceedings in consequence of the secret treaty of 1670, with his subsequent conduct in relation to his brother, whom he sought, with the aid of the bishops, to recall within the pale of the establishment, and in relation to his nieces, whom he took from their father that they might be educated in the Protestant faith, and whom he married to Protestants that he might secure a succession of Protestant princes, we shall perhaps come to the conclusion, that for the greater part of his reign he looked on religion as a political question, and cared little to which of the two Churches he might belong. It is true that afterwards, in 1683, he gave to the subject more attentive deliberation: yet even then he did no more than deliberate, and never came to a decision till he learned from his physicians that in a few hours he would cease to live.

"In conclusion, it may be proper to remark, that during his reign the arts improved, trade met with encouragement, and the wealth and comforts of the people increased. To this flourishing state of the nation we must attribute the acknowledged fact, that, whatever were the personal failings or vices of the king, he never forfeited the love of his subjects. Men are always ready to idolize the sovereign under whose sway they feel themselves happy.

"Charles left no issue by his queen, Catherine of Portugal. Of his illegitimate children he acknowledged James, duke of Monmouth, by Lucy Walters; Charlotte, countess of Yarmouth, by lady Shanon; Charles, duke of Southampton, Henry, duke of Grafton, George, duke of Northumberland, and Charlotte, countess of Lichfield, by the duchess of Cleveland; Charles, duke of St. Albans, by Eleanor Gwynne; Charles, duke of Richmond, by the duchess of Portsmouth; and Mary, countess of Derwentwater, by Mary Davies."

We refer to Hume, giving his character of Charles; at the same time reminding the reader how able an advocate he is; and how partial, in spite of himself, to the Stuarts:—

"If we survey the character of Charles II., in the different lights which it will admit of, it will appear various, and give rise to different, and even opposite sentiments: when considered as a companion, he appears as the most amiable and engaging of men; and indeed, in this view, his deportment must be allowed altogether unexceptionable: his love of raillery was so tempered with good breeding, that it was never offensive: his propensity to satire was so checked with discretion, that his friends never dreaded their becoming the object of it: his wit, to use the expression of one who knew him well, and who was himself a good judge, could not be said so much to be very refined or elevated, qualities apt to beget jealousy and apprehension in company, as to be a plain, gaining,

well-bred, recommending kind of wit : and though perhaps he talked more than strict rules of behaviour might permit ; men were so pleased with the affable, communicative deportment of the monarch, that they always went away contented both with him and with themselves. This indeed is the most shining part of the king's character ; and he seems to have been sensible of it : for he was fond of dropping the formality of state, and of relapsing every moment into the companion.

CHARLES
II.

" In the duties of private life, his conduct, though not free from exception, was, in the main, laudable ; he was an easy, generous lover, a civil, obliging husband, a friendly brother, an indulgent father, and a good-natured master : the voluntary friendships, however, which this prince contracted, nay, even his sense of gratitude, were feeble ; and he never attached himself to any of his ministers or courtiers with a sincere affection : he believed them to have no motive in serving him but self-interest ; and he was still ready, in his turn, to sacrifice them to present ease or convenience.

" With a detail of his private character we must set bounds to our panegyric on Charles : the other parts of his conduct may admit of some apology, but can deserve small applause. He was indeed so much fitted for private life preferably to public, that he even possessed order, frugality, and economy in the former ; was profuse, thoughtless, and negligent in the latter. When we consider him as a sovereign, his character, though not altogether destitute of virtue, was in the main dangerous to his people, and dishonourable to himself : negligent of the interests of the nation, careless of its glory, averse to its religion, jealous of its liberty, lavish of its treasure, sparing only of its blood ; he exposed it by his measures, though he ever appeared but in sport, to the danger of a furious civil war, and even to the ruin and ignominy of a foreign conquest : yet may all these enormities, if fairly and candidly examined, be imputed in a great measure to the indolence of his temper :—a fault which, however unfortunate in a monarch, it is impossible for us to regard with great severity.

" It has been remarked of Charles, that he never said a foolish thing nor did a wise one ;—a censure which, though too far carried, seems to have some foundation in his character and deportment. When the king was informed of this saying, he observed, ' that the matter was easily accounted for ; for that his discourse was his own, his actions were the ministry's.'

" If we reflect on the appetite for power inherent in human nature, and add to it the king's education in foreign countries and among the cavaliers—a party which would naturally exaggerate the late usurpations of popular assemblies on the rights of monarchy—it is not surprising that civil liberty should not find in him a very zealous patron. Harassed with domestic faction, weary of calumnies and complaints, oppressed with debts, straitened in his revenue, he sought, though with feeble efforts, for a form of government more simple in its structure and more easy in its management : but his attachment to France, after all the pains which we have taken by inquiry and conjecture to fathom it, contains still something, it must be confessed, mysterious and inexplicable. The hopes of rendering himself absolute by Louis's assistance seem so chimerical, that they could scarcely be retained with such obstinacy by a prince of Charles's penetration : and as to pecuniary subsidies, he surely spent much greater sums in one season, during the second Dutch war, than were remitted him from France during the whole course of his reign : we are apt therefore to imagine, that Charles was in this particular guided chiefly by inclination, and by a prepossession in favour of the French nation : he considered that people as gay, sprightly, polite, elegant, courteous, devoted to their prince, and attached to the Catholic faith ; and for these reasons he cordially loved them : the opposite character of the Dutch had rendered them the objects of his aversion ; and even the uncourtly humours of the English made him very indifferent towards them. Our notions of interest are much warped by our affections ; and it is not altogether without example, that a man may be guided by national prejudices, who has ever been little biassed by private and personal friendship.

" The character of this prince has been elaborately drawn by two great masters, perfectly well acquainted with him, the duke of Buckingham and the marquess of Halifax ; not to mention several elegant strokes given by sir William Temple ; doctor Wiclwood

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likewise, and bishop Burnet have employed their pencil on the same subject; but the former is somewhat partial in his favour, as the latter is by far too harsh and malignant. Instead of finding an exact parallel between Charles II. and the emperor Tiberius, as asserted by that prelate, it would be more just to remark a full contrast and opposition: the emperor seems as much to have surpassed the king in abilities as he falls short of him in virtue: provident, wise, active, jealous, malignant, dark, sullen, unsocial, reserved, cruel, unrelenting, unforgiving; these are the lights under which the Roman tyrant has been transmitted to us: and the only circumstance in which it can justly be pretended he was similar to Charles, is his love of women; a passion which is too general to form any striking resemblance, and which that detestable and detested monster shared also with depraved appetites."

We conclude this reign with the character given to it and Charles, by Fox:—

"There is some reason for believing that the court of Versailles had either wholly discontinued, or at least had become very remiss in, the payments of Charles's pension; and it is not unlikely that this consideration may have induced him either really to think of calling a parliament, or at least to threaten Louis with such a measure, in order to make that prince more punctual in performing his part of their secret treaty. But whether or not any secret change was really intended, or if it were, to what extent, and to what objects directed, are points which cannot now be ascertained, no public steps having ever been taken in this affair, and his majesty's intentions, if in truth he had any such, becoming abortive by the sudden illness which seized him on the 1st of February, 1685, and which, in a few days afterwards, put an end to his reign and life. His death was by many supposed to have been the effect of poison; but although there is reason to believe that this suspicion was harboured by persons very near to him, and among others, as I have heard, by the duchess of Portsmouth, it appears, upon the whole, to rest upon very slender foundations¹.

"With respect to the character of this prince, upon the delineation of which so much pains have been employed, by the various writers who treat of the history of his time, it must be confessed that the facts which have been noticed in the foregoing pages, furnish but too many illustrations of the more unfavourable parts of it. From these we may collect, that his ambition was directed solely against his subjects, while he was completely indifferent concerning the figure which he or they might make in the general affairs of Europe; and that his desire of power was more unmixed with the love of glory than that of any other man whom history has recorded; that he was unprincipled, ungrateful, mean, and treacherous, to which may be added vindictive and remorseless. For Burnet, in refusing to him the praise of clemency and forgiveness, seems to be perfectly justifiable, nor is it conceivable upon what pretence his partizans have taken this ground of panegyric. I doubt whether a single instance can be produced of his having spared the life of any one whom motives, either of policy or of revenge, prompted him to destroy. To allege that of Monmouth, as it would be an affront to human nature, so would it likewise imply the most severe of all satires against the monarch himself, and we may add too an undeserved one. For in order to consider it as an act of meritorious forbearance on his part, that he did not follow the example of Constantine, and Philip II., by imbruing his hands in the blood of his son, we must first suppose him to have been wholly void of every natural affection, which does not appear to have been the case. His declaration that he would have pardoned Essex, being made when that nobleman was dead, and not followed by any act evincing its sincerity, can surely ob-

¹ Mr. Fox had this report from the family of his mother, great-granddaughter to the duchess of Portsmouth. The duchess of Portsmouth lived to a very advanced age, and retained her faculties to the period of her death, which happened in 1734, at Aubigny. Mr. Fox's mother, when very young, saw her at that place; and many of the Lennox family, with whom Mr. Fox was subsequently acquainted, had, no doubt, frequently conversed with her."

tain no credit from men of sense. If he had really had the intention, he ought not to have made such a declaration, unless he accompanied it with some mark of kindness to the relations, or with some act of mercy to the friends of the deceased. Considering it as a mere piece of hypocrisy, we cannot help looking upon it as one of the most odious passages of his life. This ill-timed boast of his intended mercy, and the brutal taunt with which he accompanied his mitigation (if so it may be called) of Russell's sentence, show his insensibility and hardness to have been such, that in questions where right and feelings were concerned, his good sense, and even the good taste for which he has been so much extolled, seemed wholly to desert him.

CHARLES
II.

"On the other hand, it would be want of candour to maintain that Charles was entirely destitute of good qualities; nor was the propriety of Burnet's comparison between him and Tiberius ever felt, I imagine, by any one but its author. He was gay and affable, and, if incapable of the sentiments belonging to pride of a laudable sort, he was at least free from haughtiness and insolence. The praise of politeness, which the stoics are not perhaps wrong in classing among the moral virtues, provided they admit it to be one of the lowest order, has never been denied him, and he had in an eminent degree that facility of temper which, though considered by some moralists as nearly allied to vice, yet, inasmuch as it contributes greatly to the happiness of those around us, is, in itself, not only an engaging, but an estimable quality. His support of the queen during the heats raised by the popish plot, ought to be taken rather as a proof that he was not a monster, than to be ascribed to him as a merit; but his steadiness to his brother, though it may and ought, in a great measure, to be accounted for upon selfish principles, had at least a strong resemblance to virtue.

"The best part of this prince's character seems to have been his kindness towards his mistresses, and his affection for his children, and others nearly connected to him by the ties of blood. His recommendation of the duchess of Portsmouth and Mrs. Gwynne, upon his death-bed, to his successor, is much to his honour; and they who censure it, seem, in their zeal to show themselves strict moralists, to have suffered their notions of vice and virtue to have fallen into strange confusion. Charles's connexion with those ladies might be vicious, but at a moment when that connexion was upon the point of being finally and irrevocably dissolved, to concern himself about their future welfare, and to recommend them to his brother with earnest tenderness, was virtue. It is not for the interest of morality that the good and evil actions, even of bad men, should be confounded. His affection for the duke of Gloucester, and for the duchess of Orleans, seems to have been sincere and cordial. To attribute, as some have done, his grief for the loss of the first to political considerations, founded upon an intended balance of power between his two brothers, would be an absurd refinement, whatever were his general disposition; but when we reflect upon that carelessness which, especially in his youth, was a conspicuous feature of his character, the absurdity becomes still more striking. And though Burnet more covertly, and Ludlow more openly, insinuate that his fondness for his sister was of a criminal nature, I never could find that there was any ground whatever for such a suspicion; nor does the little that remains of their epistolary correspondence give it the smallest countenance. Upon the whole, Charles II. was a bad man, and a bad king: let us not palliate his crimes; but neither let us adopt false or doubtful imputations, for the purpose of making him a monster.

"Whoever reviews the interesting period which we have been discussing, will find, that, from the consideration of the past, to prognosticate the future, would, at the moment of Charles's demise, be no easy task. Between two persons, one of whom should expect that the country would remain sunk in slavery, the other, that the cause of freedom would revive and triumph, it would be difficult to decide, whose reasons were better supported, whose speculations the more probable. I should guess that he who desponded, had looked more at the state of the public, while he who was sanguine, had fixed his eyes more attentively upon the person who was about to mount the throne. Upon reviewing the two great parties of the nation, one observation occurs very forcibly, and that is, that the great strength of the whigs consisted in their being able to brand their adversaries as favourers of popery; that of the tories (as far as their strength de-

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pended upon opinion, and not merely upon the power of the crown), in their finding colour to represent the whigs as republicans. From this observation we may draw a further inference, that, in proportion to the rashness of the crown, in avowing and pressing forward the cause of popery, and to the moderation and steadiness of the whigs, in adhering to the form of monarchy, would be the chance of the people of England, for changing an ignominious despotism for glory, liberty, and happiness."

THE END OF THE EIGHTH VOLUME.



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